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0091 Driver Licensing in Colorado

Colorado Legislative Council

DRIVER LICENSING

Legislative Council

Report To The

Colorado General Assembly

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COLORADO GENERAL ASSEMBLY

LEGISLATIVE COUNCIL

ROOM 341, STATE CAPITOL
DENVER 2, COLORADO
222-9911—EXTENSION 2285

December 6, 1964

To Members of the Forty-fifth Colorado General Assembly:

As directed by H.J.R. No. 1030, 1964 session, the Legislative Council submits the accompanying report on Driver Licensing for your consideration.

The committee appointed by the Council to conduct this study made its report to the Council on November 23, 1964. At that time, the Council adopted the report for transmission to the members of the Forty-fifth General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

COLORADO GENERAL ASSEMBLY

LEGISLATIVE COUNCIL

ROOM 341, STATE CAPITOL
DENVER 2, COLORADO
222-9911—EXTENSION 2285

November 23, 1964

Representative C. P. Lamb, Chairman
Colorado Legislative Council
341 State Capitol
Denver, Colorado

Dear Mr. Chairman:

Your Committee on Driver Licensing appointed pursuant to H.J.R. No. 1030, 1964 session, submits herewith its report and recommendations. The committee believes that the irresponsible attitude of many motorists is the principal factor contributing to motor vehicle accidents. Therefore, the committee's recommendations are designed to motivate drivers, especially young drivers, to develop safe driving practices, as well as to encourage motorists to recognize their responsibilities to the public.

Respectfully submitted

/s/ Representative Norman W. Ohlson
Chairman, Committee on
Driver Licensing

NWO/mp

Foreword

To conduct the study on Driver Licensing, the Legislative Council appointed the following committee: Representative Norman W. Ohlson, chairman; Senator A. Woody Hewett, vice chairman; Senators William Chenoweth, Charles Porter, and Andrew Kelley, and Representatives Ruth Stockton, Don Friedman, John Moran, Walter Stalker, Mark Hogan, and Betty Kirk West. Representative C. P. Lamb, Council chairman, served in an ex officio capacity.

The Committee on Driver Licensing held a series of six meetings in the course of its study. Following an organizational meeting, the committee conducted a public hearing on May 29, 1964, to review problems associated with financially irresponsible motorists, to consider psychological factors contributing to motor vehicle accidents, and to review data on motor vehicle accidents in Colorado. At a subsequent hearing on July 20, 1964, testimony was presented to the committee on the need for an "implied consent law" to assist in the prosecution of drunk drivers; State Department of Education, Colorado School Board Association, and driver education officials outlined problems relating to compulsory driver education; and officials of the moter scooter industry also met with the committee. Subsequent meetings were devoted to examinations of specific issues related to the aforementioned items and to committee findings and recommendations.

In the development of statistical data and compilation of information relating to driving practices and driver education, the committee would like to express its appreciation to Mr. William Cassell, Chief of the Motor Vehicle Division, Dr. Donald Luketich, State Department of Education, the data processing services of the Department of Revenue and Department of Highways, and to Mr. Merf Evans of the Highway Safety Council.

The committee also is grateful for the assistance rendered by the Colorado School Board Association, driver education officials, representatives of the motor scooter industry, Dr. John Conger, Colorado University Medical School, representatives of the insurance industry, and others participating at committee hearings.

Assisting the committee in the study were Mr. Jim Wilson of the Legislative Reference Office and Dave Morrissey of the Council staff.

December, 1964

Lyle C. Kyle
Director

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Driving a Motor Vehicle -- Right or Privilege

In attempting to deal with the problems of licensing persons to drive motor vehicles this committee has encountered a misconception in the minds of many Coloradoans that appears to be an obstacle to more stringent regulation of driver licensing. That misconception revolves around a Colorado Supreme Court decision and the question of whether a driver's license is a "privilege" or a "right."

It is the feeling of this committee that this obstacle is more apparent than real and that it stems from semantics and not from philosophical disagreement.

The committee in its deliberations has encountered no one nor discovered any court decisions which maintain that a driver's license is a right in the sense that freedom of religion, speech, press, or to assemble is constitutionally guaranteed. Neither have we encountered anyone nor found any court case which maintains that a driver's license is a privilege that can be arbitrarily given, suspended, or revoked.

It is in this context that the committee wishes to suggest that the following quotation from a Kansas Supreme Court case best describes the philosophy which we consider pertinent to the problems of driver licensing:

> It is an elementary rule of law that the right to operate a motor vehicle upon a public street or highway is not a natural or unrestrained right, but a "privilege" which is subject to reasonable regulation under the police power of the state in the interest of public safety and welfare....[1]

The committee believes that such an outlook on a driver's license is absolutely essential if the needless slaughter and maiming of American citizens on the streets and roads of this state and nation are to be curbed.

Some people in Colorado contend that the Supreme Court in this state disagrees with this philosophy based on the decision in the Nothaus case. The text of that decision is as follows:

> Article II, Section 3 of the constitution provides that: "All persons have certain natural, essential and inalienable rights, among which may be reckoned the right *** of acquiring, possessing and protecting property; ***" A motor vehicle is property and a person cannot be deprived of property without due process of law. The term property, within the

1. Lee v. State of Kansas (1961), 358 P. 2d 765.

meaning of the due process clause, includes the right to make full use of the property which one has the inalienable right to acquire.

Every citizen has an inalienable right to make use of the public highways of the state; every citizen has full freedom to travel from place to place in the enjoyment of life and liberty. The limitations which may be placed upon this inherent right of the citizen must be based upon a proper exercise of the police power of the state in the protection of the public health, safety and welfare. Any unreasonable restraint upon the freedom of the individual to make use of the public highways cannot be sustained. Regulations imposed upon the right of the citizen to make use of the public highways must have a fair relationship to the protection of the public safety in order to be valid.

The regulation and control of traffic upon the public highways is a matter which has a definite relationship to the public safety, and no one questions the authority of the General Assembly to establish reasonable standards of fitness and competence to drive a motor vehicle which a citizen must possess before he drives a car upon the public highway. When a citizen meets the standards thus defined in a proper exercise of the police power, he has a right to continue in the full enjoyment of that right until by due process of law it has been established that by reason of abuse of the right or other just cause it is reasonably necessary in the interest of the public safety to deprive him of the right to drive a motor vehicle on the highways. Such action cannot be taken without notice to the party affected and without an opportunity for him to be heard on the question of whether sufficient grounds exist to warrant a revocation of his right to drive a motor vehicle upon the highways of the state. The question of whether a constitutionally guaranteed property right can be denied for some justifiable reason, is essentially a judicial question, and under the doctrine of separation of powers of government it must remain a judicial question. In the instant case Nothaus was denied due process of law. The purported revocation of his license to drive was of no force or effect and was brought about under provisions of a statute which cannot be sustained.

The requirement of C.R.S. '53, 13-7-7, that the director of revenue, "*** shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident ***" unless such persons deposit a sum "sufficient in the judgment of the director ***" to pay any damage which may be awarded, or otherwise show ability to indemnify the other party to the accident

against financial loss, has nothing whatever to do with the protection of the public safety, health, morals or welfare. It is a device designated and intended to bring about the posting of security for the payment of a private obligation without the slightest indication that any legal obligation exists on the part of any person. The public gets no protection whatever from the deposit of such security. This is not the situation which we find in some states where the statutes require public liability insurance as a condition to be met before a driver's license will issue. Such statute protects the public. The statute before us is entirely different. In the matters to which we have particularly directed attention, C.R.S. '53, 13-7-7, is unconstitutional. On a matter so obviously basic and fundamental no additional citation of authority is required. We reach this conclusion notwithstanding the fact that other jurisdictions have seemingly overlooked basic constitutional guarantees which must be ignored in reaching an opposite conclusion.[2]

The facts of the Nothaus case are these:

> On January 10, 1959, on a public highway in Teller County, a horse was struck by a motor vehicle driven by defendant. The director of revenue, upon receiving a report of the accident from one Dobbie, and acting under the purported authority of C.R.S. '53, 13-7-7, suspended the operator's license which had theretofore been issued to defendant. The suspension followed the failure of defendant to "deposit security in a sum which shall be sufficient in the judgment of the director to satisfy any judgments for damages resulting from such accident as may be recovered ***" against the defendant as required by the statute above cited. Defendant admitted receiving notice of the "cancellation" of his operator's license, and also admitted that notwithstanding the receipt of said notice he thereafter drove a motor vehicle at the time and place named in the summons and complaint filed against him. The sole defense relied upon by him was, and is, that those sections of the Safety Responsibility Law, and those statutory provisions purporting to authorize a revocation of defendant's operator's license without a hearing or trial, are unconstitutional.[3]
>
> The Court affirmed the decision of the trial court.

2. People v. Nothaus (1961), 147 Colorado Reports 214-216.

3. People v. Nothaus (1961), 147 Colorado Reports 211-212.

The committee wishes to call particular attention to two sentences in the Supreme Court decision. The first is "... The regulation and control of traffic upon the public highways is a matter which has a definite relationship to the public safety, and no one questions the authority of the General Assembly to establish reasonable standards of fitness and competence to drive a motor vehicle which a citizen must possess before he drives a car upon the public highway..."

This sentence seems to the committee to clearly indicate that the court will uphold "reasonable standards of fitness and competence to drive" and we further believe the recommendations contained herein meet the reasonable test.

The second sentence in the court opinion which the committee wants to call particular attention to is "... When a citizen meets the standards thus defined in a proper exercise of the police power, he has a right to continue in the full enjoyment of that right until by due process of law it has been established that by reason of abuse of the right or other just cause it is reasonably necessary in the interest of the public safety to deprive him of the right to drive a motor vehicle on the highways..." In the committee's opinion this is the particular part of the opinion which raises the semantics problem. Whether a driver's license is a "right" or a "privilege" in this instance, in the opinion of the committee, is moot because the principle enunciated by the court is that a driver's license can be revoked on justifiable cause if due process of law is observed -- a point with which the committee is in full agreement.

Licensing Standards and the Accident Problems

In the past, the key qualifications for obtaining a vehicle operator's license included meeting minimum age requirements, successful completion of a test of driving skills, a knowledge of rules of the road, a keen eye, and lack of any physical impairment that would prohibit safe driving. Although these standard motor vehicle operator's requirements are designed to eliminate unfit drivers from the nation's highways, the tests, of course, are not a complete solution for the determination and weeding-out of accident-prone drivers. Perhaps, the failure of the aforementioned tests may be demonstrated by the following analogy.

Young drivers, under age 21, appear to comprise an age group most likely to possess the best physical qualifications, i.e., their eyesight may be sharper, and, certainly, their reaction time also may be quicker than older drivers. In addition, teenagers, all who recently have been tested on rules of the road, probably have the advantage of being informed of recent changes in traffic laws. Despite these assets, the accident record of male teenagers, 18 and 19 years of age, as reflected by Colorado accident statistics, is twice as severe as that for all age groups over 25. Similarily, the accident record of 16 and 17-year-old male operators ranks second highest of all age groups.

Motor vehicle accidents appear to evolve out of a complex set of circumstances involving road conditions, traffic congestion,

mechanical condition of vehicles, and, most importantly, the mental and physical conditions of the drivers. Perhaps, the avoidance of accidents, to a large degree, may involve three human factors: 1) the driver's knowledge of risk potential; 2) alertness of the operator to the driving situation; and 3) desire on the part of drivers to act maturely and rationally in every driving situation. Of course, a breakdown of these processes may result from the effect of alcohol or drugs, or simply because the individual may be emotionally disturbed, either temporarily or chronically, by anxiety, anger, depression, or even over-exhilarated by joy or excitement.

With this in mind, the committee is recommending legislation designed to encourage the development of attitudes which foster safe driving practices and remove drivers from Colorado highways who flagrantly abuse their driving privileges.

Minimum Age for Operation of a Motor Vehicle

One of the first suggestions made to the committee for curtailing the relatively high accident rate of teenagers was to raise the minimum age for operation of a motor vehicle from 16 to 18. At first glance, the proposal appears to have considerable merit, for it not only eliminates an accident-prone age group, but it also removes a significant number of drivers from Colorado's highways.

The proposal was rejected by the committee for the following reasons.

Generally, 18-year-olds already may be faced with a period of transition -- secondary education, for the most part, has been completed; parental and school authority has been minimized; malt beverages are available; and the pressures of business and collegiate careers are developing. Because of this period of transition, and especially with the limitation of parental and school control, the committee questions whether age 18 is the desirable time for formulating and developing safe driving practices.

Perhaps the most significant argument for not raising the minimum age to 18 is that it would destroy driver education in the public schools and, in turn, pre-empt the opportunity for formulating safe driving attitudes at an age when youth may be most receptive to driver education programs. Also, the accident involvement of teenagers 16 and 17 is not as great as for drivers 18 through 20, especially when consideration is given to driving errors more or less expected of inexperienced drivers. Raising the minimum age to 18, of course, probably would result in a higher accident rate for the 18 through 20 age group because of the addition of driving errors currently eliminated at ages 16 and 17.

Another serious disadvantage to raising the minimum age to 18 is that it does not take into consideration the needs of rural areas. The efficient operation of many family farms would be hampered by a restriction of the operating privileges of youngsters 16 and 17. Furthermore, the mobility of our society would be curtailed, to some degree, by limiting driving privileges to operators 18 and over. With these considerations in mind, the committee believes that youngsters

should not be turned loose at age 18 to learn to operate a motor vehicle at a time of reduced supervision, both at home and in the schools.

Although the committee rejected the concept of raising the minimum age limit, the committee recognizes that steps need to be taken to reduce the accident involvement of teenagers. In particular, the committee believes that the present point system, in regard to teen-age operators, tends to work against the development of proper driving attitudes, i.e., a youngster with a newly acquired driving license tends to think that he has nothing to worry about until he has acquired a few violations on his driving record. In the following recommendations of the committee, an attempt is made to eliminate this negative philosophy by placing the young driver on probation at the time that he receives his license. The committee's recommendations also are based on a report by the Motor Vehicle Division that drivers with poor violation records, and who are on the borderline of having their operators' privileges suspended under the point system, appear to improve their driving performances because of the threat of suspension.

Three Classes of Licenses

The committee recommends a three-step approach to the issuance of motor vehicle operators' licenses: 1) a minor's license issued to 16 and 17-year-olds; 2) a provisional license (ages 18 through 20); and 3) a regular operator's license at age 21 and over.

Minor's License. The proposed minor's license is to include operators age 16 and 17. Each minor's license is to be embossed or printed with the numbers, not less than one-half inch in height, "16-17." In this way, the license can readily be identified and can not be subject to alteration for purposes of falsifying ages. Basically, it is the committee's intent that a proposed minor's license be designed to meet the needs of new drivers and suggests that these drivers receive closer scrutiny and regulation. Therefore, the committee proposes that a minor's license may be suspended if the licensee receives more than four points in violations in any 12-month period. This tightening of the privilege of a youngster to drive should tend to develop greater respect and observance of traffic laws and, in turn, a reduction of accident involvement. The committee also believes that a motor vehicle violation committed by an unlicensed minor within three years prior to the time an operator's license is issued should be subject to the point system applicable to the type of license issued. To assist in the administration of this program, the committee recommends that teenagers (16 through 20) be required to sign a statement at the time of licensing indicating whether they have committed a motor vehicle violation during the preceding three years. A false statement, of course, would be grounds for suspension of a license.

Provisional License. The proposed provisional license recommended by the committee is to be issued to young people in the most accident-prone years -- 18 to 20. The proposed provisional license, in a sense, is a transitional license; the youngster still has not reached full emotional, mental, and physical maturity. At this age, a person has acquired privileges of greater freedom, including eligibility to use malt beverages. On the other hand, these new freedoms may be contributors to an accident rate, as a group, double and triple that

of older drivers. The committee believes that extensive tightening of the motor vehicle operator's point system for this age group is necessary to pinpoint the problem driver quickly. Therefore, the committee recommends that drivers 18 to 20 years of age must be subject to license suspension if more than eight points are accumulated in any 12-month period. A reduction in the point system should, in regard to the proposed minor and provisional licensee, tend to penalize the chronic offenders to a sufficient degree that the safe driver in these age groups may benefit through an insurance rate reduction.

Provisional Chauffeurs' and Chauffeurs' Licenses

The committee believes that the point system for chauffeurs' licenses should continue to correspond to those of regular operators. The records of the Motor Vehicle Division suggest that the vast majority of professional chauffeurs are not acquiring more points than those regularly licensed operators despite greater exposure. People who drive for a living probably exercise greater caution and restraint than the average driver simply because of their professional status. The committee also recommends that persons may not qualify for a chauffeur's position until age 18. This proposed one-year increase in present minimum age limits would bring the chauffeurs' licenses into conformity with the recommendations of the committee regarding operators' licenses. However, the committee recognizes that denial of provisional chauffeurs' privileges to 17-year-olds may work as a hardship in some instances. Therefore, the committee recommends that the Department of Revenue extend provisional chauffeurs' privileges to minor operators (17 years of age) demonstrating the necessity for obtaining chauffeurs' privileges.

Strengthen Financial Responsibility of Teenagers

Section 13-3-7(2) provides: "Any negligence or willful misconduct of a minor under the age of seventeen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct except as otherwise provided...." The committee believes that lack of parental responsibility for teenagers 18 through 20 may be a contributing factor in the relatively high accident rate of this age group. Therefore, the committee recommends that parental responsibility be required for all drivers under age 21. In addition, the committee believes that by raising the age for parental liability to age 21 that a number of minors presently uninsured may be encouraged to obtain liability insurance and, to some degree, the public may be further protected, at least in an economic sense, from irresponsible young drivers.

Instruction Permits

As a part of the committee's recommendations for fostering the proper training and development of young drivers, the committee proposes that as a prerequisite for obtaining the proposed minor operator's license, a teenager must obtain a learner's permit. The

mandatory requirement for a learner's permit, coupled with a minimum period for possessing a permit, may encourage the utilization of proper training procedures, as well as developing a sense of respect for the operation of a motor vehicle.

Requiring a mandatory permit also may encourage students to participate in driver education courses, because the learner's permit may be obtained at age 15 and one-half for youngsters enrolled in approved driver education programs, while other teen-age applicants must wait until age 15 and nine months before applying for a permit.

"Implied Consent"

"Implied consent" simply means that any individual operating a motor vehicle upon the highways automatically consents to a chemical test to determine the alcohol content of his or her blood, whenever he is arrested for allegedly driving while under the influence of alcohol. A person may refuse to submit to a chemical test; however, the individual may have his driver's license suspended following a hearing as to the reasonableness for refusing to submit to the test. In other words, implied consent provides the law enforcement officers with an additional tool in the arrest and prosecution of drinking drivers. Testimony to the committee indicated that, to a large extent, persons arrested for allegedly driving while under the influence are not submitting to chemical tests, with the result that a large number are escaping conviction of drunk driving charges.

Studies of drivers involved in fatal motor vehicle accidents indicate that a minimum of 50 per cent of these drivers had been drinking. The committee believes that the high incidence of drinking drivers in relation to accidents, coupled with the difficulties of prosecuting drinking drivers, is a mandate for the adoption of an implied consent law in Colorado. Furthermore, states adopting implied consent legislation have succeeded in suspending a number of operators' licenses under their respective implied consent laws, while, at the same time, the various state supreme courts have upheld the validity of implied consent legislation.

Tighten Financial Responsibility Laws For All Drivers

Approximately 85 per cent of Colorado motorists have purchased motor vehicle liability insurance; the remaining 15 per cent, coupled with the uninsured motorists from other states, pose a serious economic threat to motorists involved in accidents with financially irresponsible drivers. Therefore, as a matter of public policy, the committee recommends that every effort should be made to encourage motorists to obtain insurance for the protection of the public.

Although 100 per cent coverage for all motorists should be the ultimate goal, the committee does not believe that mandatory motor vehicle liability insurance is the answer to the problem. States adopting mandatory insurance appear to have two significant problems: 1) an expensive program to enforce; and 2) a substantially higher insurance rate for the average motorist. In these states, the responsible motorist actually is paying a substantial part of the cost

of insuring the small percentage of irresponsible motorists. Also, a mandatory program probably can not guarantee that 100 per cent of the motorists actually will obtain or keep liability policies.

The committee is of the opinion that the most economical method for financially responsible motorists to protect themselves from irresponsible motorists is through the purchase of uninsured motorist coverage. This insurance may be obtained for approximately $2.00 per year.

The committee recommends the adoption of a proposal to amend Colorado's Safety Responsibility Law to require every liability policy to contain a provision for protection against the uninsured motorist, with the added provision that the policy holder may reject the protection.

The committee also recommends the following ten-step approach to strengthening Colorado's Safety Responsibility Law:

I. Colorado's Safety Responsibility Law (13-7-1 to 13-7-39, CRS 1953, as amended) provides, in part, that when motorists are involved in an accident in which bodily injury or property damage in excess of $50 occurs, the director of the Department of Revenue must notify the motorists involved in the accident that their licenses are subject to suspension if they fail to demonstrate financial responsibility through proof of liability insurance, evidence of a liability bond, or by a deposit of security to the department in an amount specified by the director sufficient to satisfy judgments for damages or injury resulting from the accident. The act also provides that a motorist may request a hearing, which, in effect, usually postpones the director's order for suspension. The committee believes that in the event a hearing postpones the effective date of the suspension, steps must be taken to insure the public that the individual is prohibited from driving a vehicle during the period of postponement, unless he demonstrates financial responsibility. Therefore, the committee recommends that present law be amended to provide that as a condition for postponement, the motorist must submit evidence of financial responsibility through an automobile liability policy, bond, or deposit of security.

II. The committee recommends that the property damage requirement of $50, required by accident reports (see Item I, above), be raised to $100. At present, the department must process a great number of minor accident reports for the purpose of checking motorists to see that they comply with Colorado's Safety Responsibility Law. To a large extent, the processing of minor accident reports results in a comparatively small number of license suspensions in relation to the administrative expense involved. The committee believes that raising the property damage limit for reporting accidents to $100 would reduce the administrative workload of the department. In addition, the committee proposes that the law be amended to allow the department to rely on the accuracy of information as to insurance coverage contained in the reports filed by motorists, at least, until the Director of Revenue believes the information is erroneous. In this way, the department may concentrate on reviewing accidents involving problem drivers and not be bogged down with an administrative check on the vast majority of properly insured motorists.

III. Briefly, the Safety Responsibility Law requires that in the event an uninsured motorist is involved in an accident he must post security or file a bond with the Director of Revenue sufficient to satisfy judgment for damages. If it is logical to require an individual to post security for past accidents, it may be just as important to require a statement of insurance for the protection of the public against the possibility of future accidents. On this basis, the committee recommends legislation to provide that if an uninsured motorist is required to post security for involvement in an accident, he also must furnish evidence of financial responsibility for future accidents.

IV. At present, if a federal employee is involved in an accident during the course of his employment, and is at fault, the injured person or owner of the damaged property must seek recourse for damages under the auspices of the Federal Tort's Claims Act. Even though the judgment for damages may be satisfied under the federal act, the federal employee could be subject to license suspension under Colorado's Safety Responsibility Law, because no provision is made in the Colorado law for federal employees financially protected by the federal government. In other words, the Colorado law requires an individual to post security or submit a statement of insurance following an accident, but, in this situation, the government and not the individual is responsible. Therefore, the committee recommends that legislation be enacted to clarify Colorado's Safety Responsibility Law to insure that an individual's license is not suspended over a technicality and that recognition is given in the Colorado law for cases involving the Federal Tort Claims Act.

V. If an operator's license is suspended for failure to report an accident or satisfy the safety responsibility requirements with respect to a deposit of security, the operator's license may not be renewed for a period of one year, unless the individual is released from liability or adjudicated not liable, and that no action for damages have been filed in connection with the accident. The committee believes that the law would be strengthened if, as a condition for renewal of a license, the individual under suspension is required to demonstrate financial responsibility for a subsequent three-year period. The committee's recommendation simply is designed to crack down on financially irresponsible motorists involved in accidents by requiring them to demonstrate proof of financial responsibility, for a three-year period, as a condition for reinstatement of their licenses.

VI. The Department of Revenue reports that the provisions of Colorado's Safety Responsibility Law (13-7-3, CRS 1953) pertaining to suspension of registration certificates and plates of motorists whose licenses have been suspended for a serious violation, either in Colorado or out-of-state, are unenforcible. Consequently, the committee recommends that reference to registration certificates and registration plates be deleted from the law. Also, the committee proposes that, as a condition for the issuance of a new license to an operator whose license has been suspended for a serious violation or a renewal of a cancelled or probationary license, the applicant must provide proof of financial responsibility for the following three-year period. In this event, a person whose license is suspended under the point system would, as a condition for reinstatement, be required to furnish the Department of Revenue a statement evidencing that he is insured or has

deposited security in lieu of insurance. In addition, a person whose license has been cancelled because of inability to operate a vehicle due to mental or physical incompetence also would be required to demonstrate financial responsibility. The committee also believes that the cost of processing license suspensions and reinstatements should be paid for by the problem driver. Therefore, the committee recommends that a $10 reinstatement fee be charged to operators having their licenses revoked or suspended.

VII. Under the requirements of Colorado's Safety Responsibility Law an operator involved in a motor vehicle collision, and who is at fault, must meet the following minimum financial responsibility requirements or be subject to suspension of his operating privileges:

1) a minimum liability of $5,000 for any one person injured or killed;

2) a minimum liability of $10,000 for two or more persons injured or killed; and

3) a minimum liability of $1,000 in property damage.

These standards were adopted by the General Assembly in 1935, and, in view of the changing value of the dollar, the committee recommends that the aforementioned liability limits be raised to $10,000, $20,000, and $5,000, respectively. Raising the dollar limits will tend to bring Colorado in line with the financial responsibility requirements in other states.

VIII. On occasion, motorists insured with one company may wish to drop their coverage and insure with another company. In such an event, it would be possible for an individual to be covered by two policies within the same time-period. For instance, Section 13-7-19, CRS 1953, provides that an individual may establish proof of financial responsibility by submitting to the Department of Revenue a certificate of insurance, and this certificate of insurance shall not be cancelled by the company unless ten days written notice is given by the company to the Director of Revenue. During the ten-day period, it could be possible for an individual notified that his insurance has been cancelled to purchase additional insurance and be covered by two policies. The committee believes that a policy subsequently procured and certified to the department should operate as a cancellation of any policy previously certified with respect to any motor vehicle designated in both certificates.

IX. In the administration of the Safety Responsibility Law, the committee believes that information collected concerning the financial responsibility of motorists utilizing the state's highways should be used exclusively for encouraging motorists to provide for the financial protection of accident victims; that is, the committee does not believe that accident report actions taken by the Department of Revenue should be referred to in any way nor be made evidence of the negligence of any party in an action to recover civil damages or in any criminal proceeding arising out of a motor vehicle accident. Information gathered in the administration of the act is neither relevant nor proper for use in civil or criminal actions, and the committee is recommending legislation to this effect.

X. Motor vehicle travel across state boundaries is continuing at an accelerated rate, necessitating improved cooperation among states to minimize the impact of uninsured motorists involved in out-of-state accidents. Lessening of the impact of uninsured motorists involved in interstate travel may be accomplished by the adoption of reciprocity provisions requiring the Director of Revenue to suspend the license of a Colorado resident involved in an accident in another state under circumstances which would require the director to suspend a non-resident's operating privilege had the accident occurred in Colorado. The committee makes this recommendation based on the statutes of over 30 state financial responsibility laws.

As a final recommendation in this area, the committee believes that the title of Colorado's Safety Responsibility Law is a misnomer -- the law, as such, has nothing to do with safety, but, rather, is designed to encourage financial responsibility of all motorists -- and the act should be re-named Colorado's Financial Responsibility Law.

Driver Education

The committee has spent endless hours hearing testimony and deliberating on the necessity, desirability, value and cost of driver education. There appears to be considerable agreement among safety people and the insurance industry that driver education and training will improve the quality of our young people as drivers on our highways and thereby reduce the number of accidents. The committee also wishes to endorse the driver education programs presently conducted not only in the public schools but in programs administered by parochial schools, the American Automobile Association, and other private organizations.

In viewing driver education in Colorado, the committee is concerned with the relatively large number of youngsters who are not exposed to any formal course of driver training and, particularly, with the aspects of driver education most likely to foster improved driver attitudes. The committee believes that emphasis of the classroom aspects of driver training should be the initial step in any proposals for a state-wide driver education program because of the problems of scheduling driver education classes within crowded curriculums, financing such programs, and developing qualified teachers. The committee recommends continued improvement and expansion of present driver education programs and, in addition, that the representatives of the State Board of Education, Colorado Association of School Boards, the parochial schools, administrators and educators of the public schools, and private organizations active in driver training, should cooperate in developing standards for a proposed minimum classroom program of driver training as a condition to licensing drivers under age 18. The committee also suggests that the recommendations made in regard to the aforementioned proposal for a minimum program of classroom education be presented to the Forty-fifth General Assembly for consideration during the 1965 session.

Prohibit the Operation of Motor Scooters by Teenagers 14 and 15 Years Old

The committee believes that the high percentage of injuries, in excess of 70 per cent, to operators of motor scooters involved in motor vehicle accidents is a mandate for removal of youngsters under 16 from driving motor scooters on Colorado's highways. The committee is of the opinion that motor scooters are not a necessary means of transportation and that youngsters on scooters are turning the streets into playgrounds, constituting a menace not only to themselves but to the motorist who may be involved in an accident attempting to avoid a scooter.

In addition, the dramatic change in the motor scooter industry brought about by the introduction of lightweight motor-driven cycles in the past few years has made it increasingly difficult to segregate the low-horsepowered, limited-speed vehicles, originally intended for use by 14 and 15-year-olds, under the so-called "motor scooter law."

Generally, the committee concludes that the high exposure rate of motorized two-wheel vehicles requires a level of maturity equal to that required of individuals for operation of a motor vehicle. And, since the impetus across the nation has been for raising the minimum age for operation of all vehicles from 16 to 18, it is illogical to continue to allow children 14 and 15 years of age to operate motor scooters on Colorado's congested municipal streets or high-speed rural highways. In conclusion, the committee recommends prohibiting youngsters 14 and 15 from operating motor scooters on Colorado's public roads.

Motor Vehicle Violations and Accidents In Colorado

Statistics released by the Motor Vehicle Division reveal that approximately 85,138 motorists over the age of 16 were involved in motor vehicle accidents in Colorado during 1963 (see Table I). Of this group, 18,760 motorists were between the ages of 25-34; 15,661 were between the ages of 35-44; 13,854 were between 20 and 24 years of age; and 10,940 were from 45 to 54 years of age.

At first glance, the 25-34 age group appears to be the most accident-prone based strictly on the number of accidents. However, if the per cent of persons in each age group is compared to the per cent of drivers involved in accidents for each age category, another conclusion can be reached. For instance, although the 25-34 age group is reported to have been involved in 22.035 per cent of Colorado's motor vehicle accidents in 1963, the 1960 census indicates that 20.019 per cent of the population also is in this age group. On the other hand, the 18 to 19 age group is charged with 8.307 per cent of all accidents, and, at the same time, only represents 4.373 per cent of the population. In other words, the 18 to 19 age group had approximately twice the number of accidents per person as the 25 to 34 age group.

Motor Vehicle Violations Reported By the State Patrol

Table I also summarizes motor vehicle information pertaining to moving violations reported by the Colorado State Patrol in 1963. There were more than 49,451 moving violations in 1963, according to the State Patrol.

A brief glance at Table I appears to substantiate the theory that a correlation exists between violations and accidents. For example, the age group with the most violations, again, is the 25-34 year category -- 11,337 violations, or 20.019 per cent of the total. It may be noted that this same group also was involved in 22.035 per cent of the accidents.

If a comparison of population of age groups is made with motor vehicle violations of drivers in similar age groups, the 18 to 19-year-olds appear to be the most serious offenders -- 4.373 per cent of the population compared to 10.208 per cent of the violations. (Note that the per cent of accidents -- 8.307 per cent -- of this age group corresponds to the per cent of violations.)

Column 8, Table I, also lists an index of population to violations. The index of violations for 18 to 19-year-old drivers is 2.33, while the violation index for ages 45 to 54 is .70. In comparing the violation index to the accident index, both show an increase from age 16 to ages 18 and 19 and then a decrease for the remaining years.

Table I

RELATIONSHIP OF THE NUMBER OF DRIVERS INVOLVED IN MOTOR VEHICLE ACCIDENTS AND VIOLATIONS TO TOTAL COLORADO POPULATION OVER AGE 16[a]

(1) Age of Drivers	(2) Population (1960 Census)	(3) No. of Viol. State Patrol[b]	(4) No. of Drivers All Acc.	(5) Per Cent of Pop. Over Age 16	(6) Per Cent of Viol. by Age	(7) Per Cent of Acc. by Age	(8) Index of Violations To Age (Col. 6 ÷ Col.5)	(9) Index of Accidents To Age (Col. 7 ÷ Col. 5)[c]
Under 16	---	250	584	---	.506%	.686%	---	---
16	26,873	1,883	3,666	2.320%	3.808	4.306	1.64	1.87
17	26,458	2,167	3,510	2.285	4.382	4.123	1.92	1.80
18-19	50,645	5,048	7,072	4.373	10.208	8.307	2.33	1.90
20-24	112,197	10,073	13,854	9.688	20.370	16.272	2.10	1.68
25-34	231,853	11,337	18,760	20.019	22.926	22.035	1.15	1.10
35-44	232,015	8,843	15,661	20.033	17.882	18.395	.89	.92
45-54	184,941	5,531	10,940	15.969	11.185	12 850	.70	.80
55-64	134,997	2,766	6,642	11.656	5.593	7.801	.48	.67
65-74	100,731	1,218	3,359	8.698	2.463	3.945	.28	.45
75 Over	57,429	335	1,090	4.959	.677	1,280	.13	.26
TOTAL	1,158,139	49,451	85,138	100.00%	100.00%	100.00%		

a. Source: Population - 1960 Census; violations - State Patrol; and accidents - Department of Revenue.
b. The violations reported by the State Patrol are moving violations. Miscellaneous pedestrian violations, over weight vehicle violations, defective vehicle violations, etc., are not included.
c. The column represents an index of per cent of population to the per cent of accidents for each age group. For example, the 18 to 19 age group index is 1.90 (the highest), while the index for the 35 to 44 age group is .92, or less than one-half the index for the 18 to 19 age group.

Motor Vehicle Accidents and Violations of Male Drivers

Table II reveals the relative accident and violation rates of male drivers in Colorado for calendar year 1963. The table is based on the same assumptions as Table I.

Accidents. Approximately 64,510 male drivers were involved in accidents in Colorado, according to the Motor Vehicle Division reports. Again, male drivers from age 18 to 19 appear to have had more than their share of motor vehicle accidents. For instance, 18 to 19-year-olds accounted for 6.492 per cent of all accidents, while the age group represents only 2.233 per cent of the population over age 16. For comparison of accident rates for all age groups, Column 9 lists an index of population to accidents, similar to Table I, i.e., age 16 (index 2.76); age 17 (index 2.73); ages 18 and 19 (index 2.91); and ages 20 to 24 (index 2.64). After age 24, the index drops rapidly to .51 for male drivers over 75. Undoubtedly, the index rate for older drivers may be misleading.

Violations. Male drivers accounted for 42,801 of the moving violations reported by the State Patrol, or approximately 86 per cent of the moving violations. The worst offenders appear to be in the 18 to 19-year-old age group, at least, as indicated by the violation index (4.04) reported in Column 8, Table II. The rate of violations for the 20 to 24-year-old male drivers is the next highest with an index of 3.78, followed by the index for 17-year-old drivers (3.27), and 16-year-old drivers (2.81).

Motor Vehicle Accidents and Violations -- Female Drivers

Colorado's women drivers have achieved a better accident and violation record than their male counterparts (See Table III). Both the violation and accident indexes (Columns 8 and 9, Table III) are significantly lower than for male drivers for all age groups. However, consideration should be given to the amount of driving done by female drivers and the number of female drivers in relation to the number of male drivers.

The accident index for female drivers may be of unusual interest, because the highest index is for age 16 (.93); thereafter, the index drops -- age 17 (.85); 18-19 (.84); 20-24 (.74); 25-34 (.50); etc. On the other hand, the vehicle violation index for female operators follows a pattern closer to that of male drivers, i.e., the rate increases from age 16 (.44) to age 18 and 19 (.56), and then drops rapidly -- ages 20-24 (.46), ages 25-34 (.31), ages 35-44 (.29), ages 45-54 (.22), etc.

Time of Accidents

One of the questions of concern to the committee is whether teen-age drivers are having more than their proportionate share of accidents at night and whether there is a need for a restriction on night driving by 16 and 17-year-olds.

Table II

RELATIONSHIP OF THE NUMBER OF MALE DRIVERS INVOLVED IN MOTOR VEHICLE ACCIDENTS AND VIOLATIONS TO TOTAL COLORADO POPULATION OVER AGE 16[a]

(1) Age of Drivers	(2) Male Population (1960 Census)	(3) No. of Viol. State Patrol[b]	(4) No. Male Drivers All Acc.	(5) Per Cent of Pop. Over Age 16	(6) Per Cent of Total Viol. by Age	(7) Per Cent of Total Acc.	(8) Index of Violations To Age	(9) Index of Accidents To Age
Under 16	---	211	525	---	.427%	.617%	---	---
16	13,638	1,634	2,759	1.77%	3.304	3.243	2.81	2.76
17	13,443	1,876	2,694	1.161	3.794	3.166	3.27	2.73
18-19	25,860	4,456	5,524	2.233	9.011	6.492	4.04	2.91
20-24	55,508	8,948	10,768	4.793	18.095	12.655	3.78	2.64
25-34	114,244	9,780	14,428	9.864	19.777	16.957	2.00	1.72
35-44	114,890	7,413	11,319	9.920	14.991	13.303	1.51	1.34
45-54	92,374	4,679	7,988	7.976	9.462	9.388	1.19	1.17
55-64	65,657	2,403	4,929	5.669	4.859	5.793	.86	1.02
65-74	47,274	1,093	2,647	4.082	2.210	3.111	.54	.76
75 Over	24,941	308	929	2.154	.622	1.092	.29	.51
TOTAL	567,829	42,801	64,510	49.029%	86.552%	75,816%	1.77	1.55

a. Source: Population - 1960 Census; violations - State Patrol; and accidents - Department of Revenue.
b. The violations reported by the State Patrol are moving violations. Miscellaneous pedestrian violations, over weight vehicle violations, defective vehicle violations, etc., are not included.

Table III

RELATIONSHIP OF THE NUMBER OF FEMALE DRIVERS INVOLVED IN MOTOR VEHICLE ACCIDENTS AND VIOLATIONS TO TOTAL COLORADO POPULATION OVER AGE 16[a]

(1) Age of Drivers	(2) Female Population (1960 Census)	(3) No. of Viol. State Patrol[b]	(4) No. Female Drivers All Acc.	(5) Per Cent of Pop. Over Age 16	(6) Per Cent of Total Viol. by Age	(7) Per Cent of Total Acc.	(8) Index of Violations To Age	(9) Index of Accidents To Age
Under 16	---	39	58	---	.079%	.068%	---	---
16	13,235	249	906	1.143%	.504	1.065	.44	.93
17	13,015	291	816	1.124	.588	.959	.52	.85
18-19	24,785	592	1,526	2.140	1.197	1.793	.56	.84
20-24	56,689	1,125	3,084	4.895	2.275	3.624	.46	.74
25-34	117,609	1,557	4,324	10.155	3.149	5.082	.31	.50
35-44	117,125	1,430	4,334	10,113	2,891	5,094	.29	.50
45-54	92,567	852	2,949	7.993	1.723	3.466	.22	.43
55-64	69,340	363	1,708	5.987	.734	2.007	.12	.34
65-74	53,457	125	712	4.616	.253	.837	.05	.18
75 Over	32,488	27	161	2.805	.055	.189	.02	.07
TOTAL	590,310	6,650	20,578	50.971%	13.448%	24.184%	.26	.47

a. Source: Population - 1960 Census; violations - Colorado State Patrol; and accidents - Colorado Department of Revenue.
b. The violations reported by the Colorado State Patrol are moving violations. Miscellaneous pedestrian violations, over weight vehicle violations, defective vehicle violations, etc., are not included.

An analysis of the time of Colorado motor vehicle accidents, by age groups, is contained in Table IV. Five basic time periods are listed in Table IV along with the numbers and percentages of accidents.

The morning time period (5:00 a.m. to 11:00 a.m.) is characterized by a smaller per cent of accidents involving 16-year-olds (11.321 per cent) and 17-year-olds (14.347 per cent), compared to over 20 per cent for all ages over 25. Perhaps school attendance accounts for the lower rate for teen-age drivers during the morning period.

According to Table IV, the afternoon period (12:00 noon to 4:00 p.m.) marks a sharp increase in accidents for teen-age drivers. 16 and 17 years old, accounting for over 30 per cent of their accidents; however, the rate does not appear to be out of line with other age groups -- ages 18-19 (26.771 per cent), ages 20-24 (25.650 per cent), ages 25-34 (28.395 per cent), ages 35-44 (31.136 per cent), and ages 45-54 (32.298 per cent). The afternoon period also accounts for a high per cent of accidents of older drivers -- ages 65-74 (42.067 per cent) and ages 75 and over (46.512 per cent).

The evening period (5:00 p.m. to 8:00 p.m.) appears to be a universally high accident period for all age groups. The percentage of accidents for each age group ranges from 26.667 per cent for drivers 75 and older to 31.570 per cent for drivers 55 to 64 years of age.

The time period of 9:00 p.m. to midnight, as listed in Table IV, shows a significantly higher per cent of accidents by the younger age groups. For example, 16-year-old drivers were involved in 21.062 per cent of their total accidents during this period, 17-year-olds (20.190 per cent), 18 to 19-year-olds (18.574 per cent), and after that a steady decrease in the per cent of accidents for older age groups is apparent.

Accidents after midnight account for a significant percentage of accidents for the 20 to 24 year age group -- 12.541 per cent. Other age groups having a significant rate of accidents during this time of the day include: 18-19 years of age -- 11.277 per cent; 25-34 years of age -- 8.665 per cent; 17 years of age -- 6.508 per cent; 35-44 years of age 6.142 per cent; and 16 years of age -- 5.002 per cent.

Time of Violations

The time periods for moving violations reported by the State Patrol for 1963 follow a pattern similar to accidents. For instance, the percentage of violations reported during the morning hours (5:00 a.m. to 11:00 a.m.) by the State Patrol (See Table V) is significantly less for teen-age drivers -- age 16 (12.028 per cent) and age 17 (14.344 per cent), while the rate for age groups 20 to 44 is close to 20 per cent.

The afternoon period, according to Table V, also presents a sharp increase in the teen-age violation rate. In addition, the violation rate for the evening hours is similar to the accident rates with a large percentage of violations reported for all age groups. The percentage of violations reported for the evening period ranges from 20.854 per cent for ages 65 to 74 to 26.098 per cent for the 35 to 44 age group.

Table IV

TIME OF DAY OF MOTOR VEHICLE ACCIDENTS IN COLORADO IN 1963 BY AGE GROUPS[a]

	All Accidents					
	Day		Evening	Night		
Age	5:00 a.m. to 11:00 a.m.	12:00 p.m. to 4:00 p.m.	5:00 p.m. to 8:00 p.m.	9:00 p.m. to 12:00 a.m.	1:00 a.m. to 4:00 a.m.	Accident Total
16 No. of Acc.	258	729	698	480	114	2,279
Per Cent of Acc.	11.321%	31.988%	30.627%	21.062%	5.002%	100.00%
17 No. of Acc.	302	635	606	425	137	2,105
Per Cent of Acc.	14.347%	30.166%	28.789%	20,190%	6.508%	100.00%
18-19 No. of Acc.	642	1,130	1,189	784	476	4,221
Per Cent of Acc.	15.209%	26.771%	28.169%	18.574%	11.277%	100.00%
20-24 No. of Acc.	1,357	2,033	2,234	1,308	994	7,926
Per Cent of Acc.	17.121%	25.650%	28.186%	16.502%	12.541%	100.00%
25-34 No. of Acc.	2,088	2,923	2,986	1,405	892	10,294
Per Cent of Acc.	20.284%	28.395%	29.007%	13.649%	8.665%	100.00%
35-44 No. of Acc.	1,722	2,631	2,479	1,099	519	8,450
Per Cent of Acc.	20.379%	31.136%	29.337%	13.006%	6.142%	100.00%
45-54 No. of Acc.	1,275	1,893	1,842	616	235	5,861
Per Cent of Acc.	21.754%	32.298%	31.428%	10.510%	4.010%	100.00%
55-64 No. of Acc.	790	1,287	1,146	338	69	3,630
Per Cent of Acc.	21.763%	35.455%	31.570%	9.311%	1.901%	100.00%
65-74 No. of Acc.	429	806	536	127	18	1,916
Per Cent of Acc.	22.390%	42.067%	27.975%	6.628%	.940%	100.00%
75 Over No. of Acc.	140	300	172	30	3	645
Per Cent of Acc.	21.705%	46.512%	26.667%	4.651%	.465%	100.00%

a. Source: Accident records of the Colorado Department of Revenue.

Table V

TIME OF DAY OF MOTOR VEHICLE VIOLATIONS REPORTED BY THE COLORADO STATE PATROL IN 1963 BY AGE GROUPS[a]

Age	Moving Violations					Violations Total
	Day		Evening	Night		
	5:00 a.m. to 11:00 a.m.	12:00 p.m. to 4:00 p.m.	5:00 p.m. to 8:00 p.m.	9:00 p.m. to 12:00 a.m.	1:00 a.m. to 4:00 a.m.	
16 No. of Violations	226	546	479	561	67	1,879
Per Cent of Violations	12.028%	29.058%	25.492%	29.856%	3.566%	100.00%
17 No. of Violations	316	580	552	661	94	2,203
Per Cent of Violations	14.344%	26.328%	25.057%	30.004%	4.267%	100.00%
18-19 No. of Violations	775	1,262	1,276	1,421	303	5,037
Per Cent of Violations	15.386%	25.055%	25.333%	28.211%	6.015%	100.00%
20-24 No. of Violations	1,818	2,463	2,450	2,521	811	10,063
Per Cent of Violations	18.066%	24.476%	24.347%	25.052%	8.059%	100.00%
25-34 No. of Violations	2,495	3,117	2,844	2,140	730	11,326
Per Cent of Violations	22.029%	27.521%	25.110%	18.895%	6.445%	100.00%
35-44 No. of Violations	2,012	2,660	2,306	1,419	439	8,836
Per Cent of Violations	22.771%	30.104%	26.098%	16.059%	4.968%	100.00%
45-54 No. of Violations	1,303	1,844	1,499	716	167	5,529
Per Cent of Violations	23.567%	33.351%	27.112%	12.950%	3.020%	100.00%
55-64 No. of Violations	728	1,029	714	235	57	2,763
Per Cent of Violations	26.348%	37.242%	25.842%	8.505%	2.063%	100.00%
65-74 No. of Violations	341	530	254	80	13	1,218
Per Cent of Violations	27.997%	43.514%	20.854%	6.568%	1.067%	100.00%
75 Over No. of Violations	98	154	72	9	2	335
Per Cent of Violations	29.254%	45.970%	21.492%	2.687%	.597%	100.00%

a. Source: Accident records of the Colorado State Patrol.

The time period from 9:00 p.m. to midnight appears to be a comparatively high violation period for teen-age drivers. In fact, the per cent of violations reported in Table V, for each age group, decreases after age 20. For instance, the percentage of violations for 16-year-olds for the period 9:00 p.m. to midnight is 29.856 per cent; 17 years (30.004 per cent); 18 to 19 (28.211 per cent); 20-24 years (25.052 per cent); 25-34 years (18.895 per cent); etc.

After midnight, the violation rate drops significantly; however, the per cent of violations by the 20 to 24-year age group is the highest -- 8.059 per cent. As may be noted, the per cent of accidents for the 20-24 age group also is the highest for this time period -- 12.541 per cent.

Contributing Factors -- Accidents

Although the police reports regarding contributing factors of motor vehicle accidents are subjective, for the most part, and may not be entirely reliable, the reports reflect the bad driving habits for various age groups. For instance, of the 12 contributing factors listed in Table VI, three items appear to stand out:

1) For drivers under 24 years, speed is listed most often as a contributing factor to accidents -- 16 years of age (25.134 per cent of all accidents); 17 years of age (26.923 per cent); ages 18 to 19 (25.995 per cent); and 20 to 24 years (22.973 per cent). It also may be noted that after age 17, speed gradually decreases as a factor contributing to accidents.

2) The most significant contributing factor in traffic accidents for drivers ages 25 to 54 is drinking, accounting for 20.626 per cent of accidents in the 25-34 age group; 20.993 per cent of accidents in the 35 to 44 age group; and 19.330 per cent of accidents in the 45 to 54 age segment.

3) Older drivers, ages 55 and up, account for a large percentage of accidents involving failure to yield the right-of-way. The percentage of accidents for failure to yield the right-of-way for older age groups follows: ages 55 to 64 (27.043 per cent); ages 65-74 (33.752 per cent); and ages 75 and up (42.000 per cent).

Types of Violations -- State Patrol

Table VII lists the major types of moving violations reported by the Colorado State Patrol in 1963. In examining Table VII, there appear to be four major areas of violations: 1) speeding; 2) careless or reckless driving; 3) disregard of traffic control devices; and 4) improper passing. These four types of violations account for 73.844 per cent of violations reported. The remaining seven categories -- following too close; improper turn; failed to yield right-of-way; attempt to elude police; driving left of center; drinking; and driving while license suspended -- were responsible for 26.156 per cent of violations reported for 1963.

Table VI

CONTRIBUTING FACTORS IN MOTOR VEHICLE ACCIDENTS INVOLVING INJURY AND DEATH IN COLORADO DURING 1963[a]

Age		(1) Speed	(2) Failed Yield R/W	(3) Left Center	(4) Imp. Over Taking	(5) Pass Stop Sign	(6) Disregard Traffic Control	(7) Followed Too Close	(8) Imp. Turn	(9) Other	(10) Brakes Inadequate	(11) In. Lights	(12) Drinking	(13) Totals
16	Number of Acc.	187	139	53	1	22	24	60	11	200	23	2	22	744
	% of Acc. Each Age	25.134%	18.683%	7.124%	.134%	2.957%	3.226%	8.065%	1.478%	26.882%	3.091%	.269%	2.957%	100.00%
17	Number of Acc.	189	122	45	-0-	11	12	57	13	200	15	3	35	702
	% of Acc. Each Age	26.923	17.379%	6.410%	-0-	1.567%	1.709%	8.120%	1.852%	28.490%	2.137%	.427%	4.986%	100.00%
18-19	Number of Acc.	405	179	109	3	40	51	129	23	380	40	6	193	1,558
	% of Acc. Each Age	25.995%	11.489%	6.996%	.193%	2.567%	3.273%	8.280%	1.476%	24.390%	2.567%	.385	12.388	100.00%
20-24	Number of Acc.	745	339	219	2	66	118	242	51	802	67	14	578	3,243
	% of Acc. Each Age	22.973%	10.453%	6.753%	.062%	2.035%	3.639%	7.462%	1.573%	24.730%	2.066%	.432	17.823%	100.00%
25-34	Number of Acc.	559	491	215	6	74	100	309	52	845	68	21	712	3,452
	% of Acc. Each Age	16.194%	14.224%	6.228	.174%	2.144%	2.897%	8.951%	1.506%	24.479%	1.970%	.608%	20.626%	100.00%
35-44	Number of Acc.	436	413	161	4	55	86	275	55	661	52	15	588	2,801
	% of Acc. Each Age	15.566%	14.745%	5.748%	.143%	1.964%	3.070%	9.818%	1.964%	23.599%	1.856%	.536%	20.993%	100.00%
45-54	Number of Acc.	230	351	112	2	57	76	147	37	422	32	3	352	1,821
	% of Acc. Each Age	12.630%	19.275%	6.150%	.110%	3.130%	4.174%	8.072%	2.032%	23.174%	1.757%	.165%	19.330%	100.00%
55-64	Number of Acc.	109	278	52	-0-	44	60	103	23	206	20	8	125	1,028
	% of Acc. Each Age	10.603%	27.043%	5.058%	-0-	4.280%	5.837%	10.019%	2.237%	20.039%	1.946%	.778%	12.160%	100.00%
65-74	Number of Acc.	48	188	26	1	25	36	42	22	132	9	-0-	28	557
	% of Acc. Each Age	8.618%	33.752%	4.668%	.180%	4.488%	6.463%	7.540%	3.950%	23.698%	1.616%	-0-	5.027%	100.00%
75 Over	Number of Acc.	18	84	6	2	13	16	10	8	34	2	-0-	7	200
	% of Acc. Each Age	9.000%	42.000%	3.000%	1.000%	6.500%	8.000%	5.000%	4.000%	17.000%	1.000%	-0-	3.500%	100.00%
TOTAL		2,926	2,584	998	21	407	579	1,374	295	3,882	328	72	2,640	16,106
		18.167%	16.044%	6.196%	.130%	2.527%	3.595%	8.531%	1.832%	24.103%	2.037%	.447%	16.391%	100.00%

a. Source: accident reports of the Colorado Department of Revenue.

Table VII

TYPE OF VIOLATIONS REPORTED BY THE COLORADO STATE PATROL IN 1963[a]

Age		Speeding	Follow Too Close	Improper Turn	Failed To Yield R/W	Attempt To Elude Police	Disregard Traffic Control	Left Of Center	Improper Passing	Careless or Reckless Driving	Drinking	Driving While License Suspended	Totals
16	Number of Viol.	467	51	65	105	2	278	128	133	619	6	29	1,883
	% Viol. Each Age	24.801%	2.708%	3.452%	5.576%	.106%	14.764%	6.798%	7.063%	32.873%	.319%	1.540%	100.00%
17	Number of Viol.	646	95	78	86	-0-	336	125	134	581	16	70	2,167
	% Viol. Each Age	29.811%	4.384%	3.600%	3.969%	-0-	15.505%	5.768%	6.184%	26.811%	.738%	3.230%	100.00%
18-19	Number of Viol.	1,703	172	137	179	4	714	322	443	1,147	61	166	5,048
	% Viol. Each Age	33.736%	3.407%	2.714%	3.546%	.079%	14.144%	6.379%	8.776%	22.722%	1.208%	3.289%	100.00%
20-24	Number of Viol.	3,530	365	263	258	6	1,480	705	1,059	1,876	239	292	10,073
	% Viol. Each Age	35.044%	3.624%	2.611%	2.561%	.059%	14.693%	6.999%	10.513%	18.624%	2.373%	2.899%	100.00%
25-34	Number of Viol.	3,584	420	368	349	3	1,994	799	1,274	1,811	461	274	11,337
	% Viol. Each Age	31.613%	3.705%	3.246%	3.078%	.027%	17.588%	7.048%	11.238%	15.974%	4.066%	2.417%	100.00%
35-44	Number of Viol.	2,386	364	359	314	2	1,461	662	1,002	1,361	627	305	8,843
	% Viol. Each Age	26.982%	4.116%	4.060%	3.551%	.023%	16.521%	7.486%	11.331%	15.391%	7.090%	3.449%	100.00%
45-54	Number of Viol.	1,223	213	257	258	-0-	942	516	698	787	475	162	5,531
	% Viol. Each Age	22.112%	3.851%	4.646%	4.665%	-0-	17.031%	9.329%	12.620%	14.229%	8.588%	2.929%	100.00%
55-64	Number of Viol.	444	100	196	218	1	489	257	444	365	197	55	2,766
	% Viol. Each Age	16.052%	3.615%	7.086%	7.882%	.036%	17.679%	9.291%	16.052%	13.196%	7.122%	1.989%	100.00%
65-74	Number of Viol.	117	39	98	136	-0-	259	142	196	171	48	12	1,218
	% Viol. Each Age	9.606%	3.202%	8.046%	11.166%	-0-	21.264%	11.659%	16.092%	14.039%	3.941%	.985%	100.00%
75 Over	Number of Viol.	16	12	43	52	-0-	54	39	49	59	5	6	335
	% Viol. Each Age	4.776%	3.582%	12.836%	15.522%	-0-	16.119%	11.642%	14.627%	17.612%	1.493%	1.791%	100.00%
TOTAL		14,116	1,831	1,864	1,955	18	8,007	3,695	5,432	8,777	2,135	1,371	49,201
		28.691%	3.722%	3.789%	3.973%	.036%	16.274%	7.510%	11.040%	17.839%	4.339%	2.787%	100.00%

a. Source: records of Colorado State Patrol.

Of the 49,201 violations listed in Table VII, 16-year-olds accounted for 1,883 violations: 619 violations -- reckless driving (32.873 per cent); 467 violations -- speeding (24.801 per cent); and 278 violations involved disregard of traffic control devices (14.764 per cent). Seventeen-year-old drivers experienced a similar relationship of violations: careless or reckless driving -- 26.811 per cent; speeding -- 29.811 per cent; and disregard of traffic control devices -- 15.505 per cent. It may be interesting to note that careless or reckless driving violations show a steady decline as a percentage of violations for each age group, through age 64. Only 13.196 per cent of violations involved careless or reckless driving for the 55 to 64 age group.

The outstanding violation reported by the State Patrol for drivers 18 to 34 appears to be speeding, accounting for over 30 per cent of the violations of drivers in this age category.

In general, older drivers do not have an outstanding type of violation, at least in relation to the violations reported for younger drivers. For instance, violations reported for drivers ranging in age from 55 to 74 appear to fall into five categories, with over 14 per cent of violations reported for improper passing; over 13 per cent for reckless driving; over 16 per cent for disregard of traffic control devices; and over nine per cent for speeding and driving left of center.

Summary of Colorado Accident and Violation Data

Colorado accident and violation data compiled for calendar year 1963 indicates that male drivers, 18 to 19 years old, are involved in more accidents and violations per person than other drivers; male drivers 16 and 17 years old account for the second highest accident-prone group in relation to the total population; and the third highest accident-prone group is the 20-24 year age group. After age 24, the relative frequency of violations and accidents for male drivers drops significantly.

Female drivers, of comparable age, have achieved a much lower accident and violation rate than their male counterparts. The accident rate for female drivers also declined substantially from age 16, at least in relation to the population of various age groups.

Frequency (per cent) of motor vehicle accidents for various age groups apparently is similar from 5:00 a.m. to 8:00 p.m. in the evening, while the later hours, 9:00 p.m. to midnight, had a high percentage of accidents of younger drivers in 1963. Also, drivers age 20 to 24 were involved in over 10 per cent of their accidents after midnight. Accidents after midnight for other age groups amounted to less than eight per cent of their respective accidents.

Three factors appear to dominate 1963 Colorado motor vehicle accident data in relation to circumstances contributing to accidents -- 1) speed; 2) drinking; and 3) failure to yield the right-of-way. Excess speed apparently is the dominant factor contributing to vehicle accidents involving drivers under 24 years; drinking is the most significant factor leading to accidents of drivers age 25 to 54; and failure to yield the right-of-way is a common factor in accidents involving drivers over 55.

Practices In Licensing Young Drivers

Minimum Ages

Table VIII contains a brief description of minimum age requirements for motor vehicle driver licenses in all 50 states. Generally, age 16 is the minimum age teenagers are permitted to obtain regular motor vehicle licenses to operate vehicles on public highways; however, there are a few exceptions. For instance, North Dakota may issue a driver license to a 13-year-old, if need is shown by the parents. In Texas, a 14-year-old may obtain an unrestricted license if conditions exist which make it necessary, or if the 14-year-old satisfactorily has completed a state-approved course of driver education. Other states issuing restricted licenses or beginner permits to 14-year-olds include: Florida, Iowa, Kansas, Michigan, Oregon, South Carolina, South Dakota, and Wisconsin. A minimum age of 15 is permissible in six states: Hawaii, Louisiana, Mississippi, Montana, Virginia, and Wyoming. Of these states, parental consent is required for minors in Hawaii (under 20 years of age), Montana (under 18, license also provisional until age 21), Virginia (under 18), and Wyoming (under 21). Another five states do not issue regular or nonrestricted licenses until age 17 or 18: Maine, age 17 (at age 15 a restricted license may be issued for travel to and from school); New Jersey, age 17 (a restricted license may be issued at age 16 for agricultural purposes); New York, age 18 (must be 21 years of age to drive in New York City); Pennsylvania, age 18 (junior license, age 16; prohibits driving between midnight and 5:00 a.m.); and Massachusetts (junior license may be obtained at age 16; prohibits driving between 1:00 a.m. and 5:00 a.m.).

Types of Restrictions

Although the vast majority of states issue vehicle licenses to teenagers, 18 years old and under, a number of these states provide additional conditions for the teen-age driver not required of adult drivers. For instance, eighteen states (Alaska, Arizona, Arkansas, Colorado, Florida, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Montana, Nevada, North Carolina, Pennsylvania, Virginia, and Wyoming) require parental consent, in some form, prior to the issuance of a motor vehicle license. Another twenty-five states require provisional licenses -- COLORADO (until age 17), Connecticut, Florida, Georgia, Idaho, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, Virginia, and Wisconsin -- or place some other type of restriction on the motor vehicle licenses issued to persons under 21. Still other states require teenagers to complete driver education courses -- Connecticut (ages 16-18), Idaho (14-16), Michigan (under 18), North Carolina (16-18), Pennsylvania (17), Texas (14-16), and Utah (15½).

Table VIII

SURVEY OF STATE MINIMUM AGE REQUIREMENTS TO OPERATE A MOTOR VEHICLE*

State	Min. Age To Operate Motor Vehicle	Restricted License			Learner's Permit	
		Parents Consent	Junior or Provisional	Complete Cert. Training Course	Min. Age	Required
Alabama	16	---	---	---	15	X
Alaska	16	Under 18	---	---	---	---
Arizona	16	Under 18	---	---	---	X
Arkansas[1]	16	Under 18	---	---	---	X
California	16	---	---	---	15½	---
COLORADO[2]	16	Under 17	16	---	16	X
Connecticut[3]	16	---	Under Age 21	16-18	---	---
Delaware	16	---	---	---	---	X
Florida	16	14-18	14	---	---	X
Georgia	16	---	15	---	15	X
Hawaii	15	Under 20	---	---	---	X
Idaho	16	---	14	14-16	---	X
Illinois	16	Under 18	---	---	---	X
Indiana[4]	16-one mo.	---	---	---	16	X
Iowa[5]	16	---	14	---	14	---
Kansas[6]	16	---	14	---	---	X
Kentucky	16	Under 18	---	---	---	X
Louisiana	15	---	---	---	---	X
Maine[7]	17	Under 18	15	---	---	X
Maryland	16	Under 21	(Under 21 proof of financial responsibility)			X
Massachusetts[8]	18	Under 18	16-18	---	---	X
Michigan[9]	16	Under 18	15	Under 18	---	---
Minnesota[10]	16	---	16-21	---	---	X
Mississippi	15	---	---	---	---	X
Missouri[11]	16	---	---	---	---	---
Montana	15	Under 18	License provisional until age 21		---	X
Nebraska	16	---	---	---	14	X
Nevada	16	X	---	---	15½	X
New Hampshire[12]	16	---	---	---	15	---
New Jersey	17	---	Age 16 - Agricultural purposes		---	X

Table VIII
(continued)

State	Min. Age To Operate Motor Vehicle	Restricted License: Parents Consent	Restricted License: Junior or Provisional	Restricted License: Complete Cert. Training Course	Learner's Permit: Min. Age	Learner's Permit: Required
New Mexico[13]	16	---	16	15	15 2/3	X
New York	18	---	16	17	---	X
North Carolina[14]	16	Under 18	---	16-18	---	---
North Dakota[15]	16	---	13	---	---	X
Ohio[16]	16	---	16-21	---	---	---
Oklahoma[17]	16	---	---	---	15½	X
Oregon	16	---	14	---	15	X
Pennsylvania[18]	18	16-18	16	17	---	X
Rhode Island[19]	16	---	---	---	---	X
South Carolina[20]	16	---	14	---	14	---
South Dakota	16	---	14	---	---	X
Tennessee	16	---	---	---	---	---
Texas[21]	16	---	14	14	---	X
Utah[22]	16	---	---	15½	---	X
Vermont	16	---	16	---	---	X
Virginia[23]	15	15	15	---	---	X
Washington	16	---	---	---	---	X
West Virginia	16	---	---	---	---	X
Wisconsin[24]	16	---	14-16	---	---	---
Wyoming	15	Under 21	---	---	---	---

* Source: Digest of Motor Laws, 1964, published by American Automobile Association.

1. Arkansas -- Age 14 to 16 license issued but must be accompanied by licensed adult.
2. Colorado -- Learner's permit may be issued to students in high school driver education class at age 15½.
3. Connecticut -- May provide evidence taught by parent or guardian 5 years preceding date of certificate in lieu of driver training course.
4. Indiana -- Minimum age 16 years, one month, if driver education course completed; other, 16 years 6 months.
5. Iowa -- School license and instruction permit issued at age 14.
6. Kansas -- Restricted license operator may drive motor vehicle between 7:00 a.m. and 7:00 p.m.
7. Maine -- Minimum age of 15 for restricted license to and from school.

Table VIII
(continued)

8. Massachusetts -- Junior permit prohibits driving between 1:00 a.m. and 5:00 a.m.
9. Michigan -- Restricted license for one year at age 14 or 15. May operate between 7:00 a.m. and 7:00 p.m. if necessary for farm operations.
10. Minnesota -- Agricultural worker may obtain license at age 15.
11. Missouri -- May operate vehicle under school supervision at age 15.
12. New Hampshire -- May operate vehicle under school supervision at age 15.
13. New Mexico -- Provisional license issued age 16; issued at age 15 if driver education course graduate.
14. North Carolina -- Minimum age for chauffeurs hauling property -- 18; for chauffeurs hauling passengers -- 21. Also, new drivers cannot operate on highway without permit.
15. North Dakota -- Restricted license issued at age 13 when need shown by parent.
16. Ohio -- Restricted license issued at age 14 in hardship cases.
17. Oklahoma -- Driver education students may obtain learner's permit at age 15½.
18. Pennsylvania -- Junior drivers prohibited driving midnight through 5:00 a.m., unless accompanied by parent.
19. Rhode Island -- Applicants under 18 years must complete 30-hour driver education classroom courses provided by registry.
20. South Carolina -- Restricted license may drive between hours of 6:00 a.m. and 6:00 p.m.
21. Texas -- May issue license at age 14 if absolutely necessary or if completed state-approved course of driver education.
22. Utah -- Minimum age 15½ if approved driver education course completed.
23. Virginia -- License may be issued at age 15 with parental consent. Some cities and counties prohibit operation under age 16.
24. Wisconsin -- May issue junior permit at age 14 if need is proven.

Psychological Factors Involved In Traffic Accidents

On May 29, 1964, Dr. John Conger, Dean, Colorado School of Medicine, met with the committee to discuss the relationship of psychological factors to traffic accidents. An excerpt from the committee minutes of May 29th summarizing Dr. Conger's presentation appears below.

"Dr. John Conger, Dean, Colorado School of Medicine, stated that accidents are the complex results of many variables; however, in most instances, the individual is the most significant problem. For instance, he continued, a study of a selected group of military personnel between 18 and 23 years of age revealed the following:

1) The young men were subjected to a number of psychological, physiological, and psycho-physical tests involving depth perception, reaction time, heart, respiration, intelligence, reaction under stress situations, personality factors, etc. Following a comparison of driving records and test results, the study team concluded that physical factors are far less important than attitudes in causing automotive accidents.

2) Two composite personality sketches could be determined for accident-prone drivers and safe drivers. For instance, individuals achieving excellent driving records tended to have conventional values; a clear notion of goals; respect for others; accepted by their associates; and underlying anger and hostility problems usually are compensated by overly strong needs for conformity and overly strong needs to placate their associates. On the other hand, high accident rate types may tend to be unconventional; self oriented; unaware or insensitive to rights of others; and encounter difficulty in controlling anger, resulting in verbal aggression; preoccupation with own fantasy world; etc.

"Although further research on psychological factors involved in traffic accidents is needed, a few statements may be made, Dr. Conger said:

1) The individual must never permit the routine of driving to make one insensitive to his responsibilities, which means the individual must not drive when drugged, overtired, or following the consumption of alcohol.

2) An individual should not drive when worried about personal problems, especially if he has a tendency to daydream.

3) If the individual is preoccupied, he is more likely to have an accident.

"At this time, Dr. Conger cautioned the committee on the effectiveness of psychological tests, indicating that they may be useful in selecting safe drivers, but if the tests are to be used for purposes of restricting the issuance of licenses, attention must be given to the fact that no psychological test is 100 per cent accurate. Psychological tests do not offer a simple solution for elimination of highly accident-prone drivers, he concluded; however, the tests may be an effective tool in evaluating persons achieving a significant number of violations."

In general, accident avoidance may involve a knowledge of risk potential, constant alertness to the external environment, a capacity to act intelligently and the desire to do so. A breakdown of these processes may result when an individual is emotionally disturbed, either temporarily or chronically, by anxiety, anger or depression, or over-exhilarated by joy or excitement. Perhaps expanded safety education for children and adults may tend to foster attitudes that may minimize potential accident situations.[1]

1. Encyclopedia of Mental Health, A Deutsch Ed. New York: Watts, 1963

"Implied Consent"

What is "implied consent," at least, as it pertains to motor vehicle laws? Generally, "implied consent" simply means that any individual who is licensed to operate a motor vehicle upon the highways of a state, and is arrested for driving while under the influence of alcohol, automatically consents to a chemical test to determine the alcohol content of his or her blood. Of course, a person may refuse to participate in a chemical test; however, refusal to submit to a chemical test may result in suspension of the individual's driver license.

Need For Implied Consent Legislation

Accident Records of Persons Under the Influence of Alcohol. "In general, the recent evidence suggests that alcohol is causally related to about 50 per cent of fatal accidents in the United States. This revised estimate is based on the frequency with which high (0.15 per cent and greater) levels of blood alcohol have been found at autopsy:

a. When large proportions of the drivers and pedestrians killed in accidents in various jurisdictions have been tested.

b. When alcohol determinations have been made on all, or nearly all, the drivers killed in particular geographic areas in specific types of accidents which can largely be presumed driver-caused (e.g., single vehicle, non-pedestrian accidents).

c. In a successive series of fatal accidents, comparing blood alcohol levels of drivers killed in accidents for which they were responsible, with those of drivers killed but not responsible, and of unknown responsibility."[2]

A Toronto study conducted by H. W. Smith and R. E. Popham, reveals a significant relationship between the motor vehicle accident hazard and the per cent of alcohol in a person's blood.[3] For instance, if the blood alcohol content is between 0.10 and 0.15 per cent, the probability of causing an automobile accident appears to be 2½ times greater than for individuals with 0.00 to 0.05 per cent blood alcohol content. Furthermore, the probable accident rate for persons with a blood alcohol percentage of over 0.15 may be 9.7 times the rate for individuals with less than 0.05 per cent alcohol in their blood.

2. McFarland, Ross, "Alcohol and Highway Accidents," Traffic Digest and Review, Traffic Institute, Northwestern University.
3. "Blood-alcohol Levels in Relation to Driving," Canadian Medical Association Journal, Vol. 65, 1951, pages 325-328.

A recent Indiana study reveals a similar correlation between blood alcohol levels and accident hazard. Of particular interest concerning the findings of the Indiana study is the drop in the accident rate for drivers with a blood alcohol content of between 0.01 and 0.03 per cent.

"The relative probability of causing an accident necessarily starts at 'one' for the no alcohol class. As the alcohol level increases, the curve falls until a low of about 0.6 is reached at the 0.03 per cent alcohol level. Based on the data collected and the method of analysis used, subjects with blood alcohol levels of 0.03 per cent are about one-third less likely to cause accidents than alcohol free-drivers. As the blood alcohol level continues to increase beyond 0.03 per cent, the relative probability of causing accidents starts to increase.

"Subjects with blood alcohol levels close to 0.04 per cent are about as likely to cause accidents as completely sober drivers. When an alcohol level of 0.06 per cent is reached, the estimated probability of causing an accident is double that of a driver from the no alcohol level group. Drivers with 0.10 per cent blood alcohol level are more than six times as likely to cause an accident as one with no alcohol. When the 0.15 per cent alcohol level is reached, the probability of causing an accident is increased to more than 25 times."[4]

Difficulties of Identification. "Identification of the drinking driver is difficult. When an officer contacts a driver whom he suspects of being under the influence, he must assure himself that the suspect is actually under the influence to a degree that makes him a hazard on the highway. If the officer is so assured, he then must obtain evidence to be presented in court which will convince the judge and jury, as the officer himself was convinced, that the driver was in fact under the influence of intoxicating liquor.

"A number of factors make this identification difficult. First, the appearance and actions of the suspect must be different from those of a normal, sober person. When appearance and actions are clearly abnormal, it must be ascertained that the abnormality is caused by alcohol. There are some 64 pathological conditions producing symptoms which are the same or similar to those of alcoholic intoxication. The officer must be certain that the suspect's condition is due to an alcoholic intoxicant and not due to an illness, injury or drug. Second is the legal definition of the condition or the degree of intoxication at which a person is considered to be 'under the influence.' In general, appellate courts have held that any degree of impairment of physical or mental capabilities should be considered as 'under the influence.' Since it is obviously impossible for the apprehending officer to know each person's capabilities and actual fitness when sober, prior to apprehension, the officer must compare the suspect's condition with what he individually considers as normal. This results in a lack of uniformity in the apprehension of drinking driver suspects. One officer with a particular background of training and experience might fail to arrest a suspect whom another officer with a different background would

4. Borkenstein and Crowther, "The Role of the Drinking Driver In Traffic Accidents," Traffic Digest and Review, Traffic Institute, Northwestern University, page 7.

arrest, both officers being completely honest in their opinions of the condition of the suspect. There is no rule of thumb test by which any police officer, or any doctor for that matter, can look at a suspect and say positively in every case that he was or was not under the influence of intoxicating liquor."[5]

Difficulties of Prosecution. "The difficulties of prosecuting the drinking driver are many. There is no assurance that the verdict will be 'guilty as charged' even though the officer presents evidence that (1) there was the odor of an intoxicating beverage on the breath and about the person of the defendant; (2) his speech was slurred and incoherent; (3) his face was flushed; (4) he staggered and weaved when walking; (5) he admitted having had 'two beers'; (6) and perhaps most important, his driving was erratic and he committed one or more violations of traffic regulations (7) he was belligerent, and (8) evidence of the many other factors which led them to believe that he was under the influence of intoxicating liquor. While police officers usually lean over backwards to be sure that the suspect is sufficiently impaired, they can be wrong. As mentioned above, sickness, injury, or medication can produce symptoms similar to those of alcoholic intoxication. These defenses are frequently claimed improperly and the result is the same as though the person were so affected."[6]

Chemical Tests

Methodology. "The various parts of the body take up the alcohol in proportion to their water content. The brain, liver, and blood have the same fraction of water content and, therefore, hold about the same per cent of alcohol. Urine, saliva, and spinal fluid, having a higher water content, hold a higher per cent of alcohol. The decrease of alcohol in the body which takes place because of oxidation and excretion occurs at practically the same rate thoughout the body.

"The intoxicating effect is produced by the alcohol stored in the brain; the degree of intoxication is thus proportional to the per cent of alcohol stored there. Since the relation of alcohol in other parts of the body to that in the brain remains constant, the per cent of alcohol in the brain can be determined by measuring alcohol in other parts of the body. Thus a determination as to the per cent of alcohol in the brain is made possible by testing other body materials. The body substances most commonly used are blood, urine and breath, although saliva may be used."[7]

Blood Test. Briefly, the blood test may provide the most accurate measure of the relative alcohol content of the brain. However, a serious drawback to administering a blood test to persons charged with driving while under the influence of alcohol is that the test requires the services of a physician or a trained technician to obtain a sample of the blood. Consequently, motor vehicle officials have turned to other means for determining the alcohol content of a defendant's body.

5. Public Memo 29, National Safety Council, October 1957.
6. Ibid.
7. Interim Report of the New York State Joint Legislative Committee on Motor Vehicle Problems, "Chemical Tests for Intoxication," page 27.

Saliva Test. As previously mentioned, alcohol may be found in proportion to the water content in a person's body. Since the water content of saliva is higher than for blood, the alcohol content also is greater.

Urine Tests. Urine tests may not be as accurate as other chemical tests for alcohol content for two reasons: 1) the higher water content in a sample of urine compared with other parts of the body; and 2) alcohol may be stored in the bladder of a person for an indefinite period, and, of course, before the alcohol reaches the bladder it must be filtered from the bloodstream through the kidneys.

Breath Tests. The Committee on Tests for Intoxication, National Safety Council, reports that the reliability of breath tests -- Drunkometer, Intoximeter, and Alcometer -- in relation to blood tests has proved satisfactory. Results of the committee's study indicate that a maximum deviation of 0.015 per cent in the blood alcohol content may exist between blood and breath tests. Since the individual's response to alcohol may be far in excess of the error in chemical analysis, the 0.015 per cent deviation may not be significant.[8]

The provisions of the Colorado statutes on chemical tests (13-4-30(2), 1960 Perm. Supp. to C.R.S. 1953) are similar to the Uniform Vehicle Code; however, in May of 1962, the Uniform Vehicle Code lowered the maximum level of 0.15 per cent alcohol content to 0.10 per cent. The lower standard is based, at least in part, on recommendations of the American Medical Association.

Generally, chemical test legislation has been adopted in 38 states, including Colorado. Of these states, all but three -- North Carolina, North Dakota, and New York -- have the same maximum level for alcohol content as Colorado, i.e., a blood alcohol content of 0.15 per cent. The other three states have adopted the same standard as the Uniform Vehicle Code, or a level of 0.10 per cent alcohol content.

Implied Consent Legislation

Implied consent legislation has been adopted in twelve states-- Connecticut, Idaho, Iowa, Kansas, Minnesota, Nebraska, New York, North Dakota, South Dakota, Utah, Vermont, and Virginia. New York was the first state to adopt an implied consent law (1953), and the states recently adopting implied consent legislation include Connecticut and Iowa, both in 1963. Also, implied consent legislation has been introduced in another 24 state legislatures, including Colorado.

Connecticut Law. Perhaps the Connecticut law may illustrate what other states are incorporating in implied consent legislation. For instance, the Connecticut law provides:

"....refuses to submit to either a breath or blood test, at the option of such person, the test shall not be given, but if the court or jury, upon request finds that such person was operating such motor vehicle, the motor vehicle commissioner shall suspend or revoke his

8. Evaluating Chemical Tests for Intoxication, National Safety Council, page 10.

license or nonresident operating privilege, the terms and conditions of which shall be determined by the commissioner of motor vehicles. The provision of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable..."[9]

The Connecticut law also requires that in the event a chemical test is administered, a copy of the test result must be mailed to the defendant; the test must be given according to instructions and materials approved by the department of health; the testing device must be checked for accuracy; the defendant must be given an opportunity for a an additional test; and additional evidence must be presented at the hearing on the question of whether the defendant was driving while under the influence of alcohol.

Iowa Law. The Iowa law (1963) is quite similar to the Uniform Vehicle Code in that if a defendant refuses to submit to a chemical test, the commissioner of motor vehicles may suspend the license prior to a hearing. Also, the Iowa law requires that a licensed physician, or a registered nurse or medical technologist designated by the physician, acting at the written request of the police officer, only may withdraw the bodily substance.

Constitutional Issues -- Court Decisions

Following adoption of the first implied consent law in New York in 1953, the New York Supreme Court in Shutt v. MacDuff (1954), 127 N.Y.S. (2d) 116, ruled the implied consent law invalid because of its failure to provide adequate safeguards for due process of law. In ruling the law invalid, the court stated, in part:

> ... A studied and critical examination of the particular statute as written, has caused this court great concern in that it is absolutely lacking in reasonable safeguards against arbitrary and unreasonable action by police officers and the Motor Vehicle Commissioner .... If it were written to provide for the demanding of the submission to a test only after a driver had been duly arrested and to provide for action by the Commissioner on the sworn report of the officer making the demand, with a further provision whereby the driver could have a hearing, if demanded, with temporary suspension of license in the meantime, and with revocation to follow in the absence of the due demand for a hearing or upon due proof on a hearing, this court would, without hesitation, approve the statute ...
>
> ... On the other hand, conferring upon police officers the right to make a request under the guise of authority concerning one's person without specific process and without lawful arrest clearly amounts to an unlawful infringement upon one's liberty ...

9. 1963 Supp. to Connecticut General Statutes, Sec. 14-227a.

> ... We have here a statute providing, in effect, that the commissioner may revoke a driver's license upon mere hearsay without a hearing. Recent judicial statements indicated that a statute having this effect is not to be approved...

Although the court did not uphold the validity of the New York law, the decision gave tentative approval to implied consent legislation with respect to three areas of constitutional concern: 1) the validity of implied consent legislation in regard to "self-incrimination"; 2) the reasonableness of "search and seizure" aspects of implied consent legislation; and 3) the relationship of implied consent to the concept of "equal protection of the laws." The New York Supreme Court's statements in these three areas follows:[10]

(1) Self-incrimination -- "... Bearing in mind the purpose of the statute and that highway safety is a matter of great concern to the public, it may not be held that it is unreasonable or beyond legislative power to put such a choice to a motorist who is accused upon reasonable grounds of driving while intoxicated. And it is clear that one may waive his constitutional privilege against self-incrimination. See People v. Roseheimer, 209 N.Y. 115,...

"It also seems clear that the constitutional privilege would not bar the use in the prosecution of a defendant of the results of a body fluid test even though taken while he was so drunk as to be confused or unconscious or otherwise in such a condition that it may not be said that he voluntarily consented thereto. See, in point, State v. Cram, 176 Ore. 577, because the decisions of this state have limited the effect of the state constitutional provision against self-incrimination to protect only as against testimony compulsion, i.e., as to disclosures by attendance, oral or written ..."

(2) Unreasonable search and seizure -- "... the petition before the court fails to show any infringement of the petitioner's rights under this particular constitutional guarantee in that it expressly appears therein that the chemical test of his blood was demanded of him after his due arrest. It is clear that, as a general proposition, the guarantee protects only against searches made without a warrant and beyond the terms of a warrant and the papers on which it was issued, or against personal searches made before a legal arrest ...

"In any event, the statute, when considered generally, does not stand for any unreasonable search or seizure. This, because it is premised upon the consent of the licensee to submit to the test when demanded. The licensee is expressly given the option of refusal ..."

3) Equal protection of law -- "The essence of the right to equal protection of the laws is that all persons similarly situated be treated alike... The constitution does not require that a vehicle and traffic law shall apply equally in all respects to licensed and unlicensed operators of vehicles. The licensed operator possesses a qualified right granted by the state. He stands in a class different from an unlicensed operator of a vehicle and is subject to legislation specially applying to those persons in his class."

10. Shutt v. MacDuff (1954), 127 N.Y.S. (2d) 116.

Subsequent to the Shutt v. MacDuff decision the New York legislature revised the implied consent law to conform with the opinion of the court.

On the basis of the New York example, a number of other states adopted implied consent legislation, and, as in the New York situation, the laws have been attacked on constitutional grounds. For instance, in Lee v. State of Kansas (1961), 358 P. (2d) 765, the court upheld implied consent legislation, concluding that:

> The statute does not compel one in the plaintiff's position to submit to a blood test, and does not require one to incriminate himself within the meaning of constitutional provisions. And neither is it violative of due process ... It gives the driver the right of choice of the statutory suspension of his license, and further gives him the right to a hearing on the question of the reasonableness of his failure to submit to the test. Furthermore, under ... he has the right of appeal to the district court of the county of his residence...

Similarly, the Supreme Court of Nebraska ruled that there was no denial of due process of law or any violation against self-incrimination in Prucha v. Department of Motor Vehicles (1961), 172 Neb. 415, 110 N.W. (2d) 75. The court stated in part:

> The essence of the "implied consent law" is that by driving a motor vehicle on the public highway, the operator consents to the taking of a chemical test to determine the alcoholic content of his body fluid. By the act of driving his car, he has waived his constitutional privilege of self-incrimination, which has always been considered to be a privilege of a solely personal nature which may be waived.
>
> In United States v. Nesmith, D. C. 121 F. Supp. 758, 760, it was held that constitutional privilege against self-incrimination is restricted to oral testimony and does not preclude use of one's body or secretions thereof and their chemical analyses as evidence ...
>
> The plaintiff in his petition alleges that the revocation of his driver's license was arbitrary and capricious because he was not convicted of an offense of operating a motor vehicle under the influence in the original court. The fact of acquittal of a criminal charge of operating a motor vehicle while under the influence of alcoholic liquor does not have any bearing upon a proceeding before the director for the revocation of a driver's license under the provisions of law separate and distinct from criminal statutes.

A Virginia case, Walton v. City of Roanoke (1963), 133 S.E. (2d) 315, also upheld the constitutionality of implied consent legislation:

> The constitutional prohibition against compelling one in a criminal court to give evidence against himself is restricted to oral testimony and does not preclude the use of one's body or secretions therefrom and the results of their chemical analyses ...
>
> We hold that § 18.1-55 neither required defendant to take a blood test nor compelled him to give evidence against himself in violation of the 5th Amendment to the Constitution of the United States or Article I § 8, of the Constitution of Virginia.

In the State of Idaho v. Bock (1958), 328 P. (2d) 1065, the court concluded that where intoxication is an evidentiary element of reckless driving in a homicide case involving the operation of a vehicle, the accused has no constitutional grounds for refusal to submit to a reasonable search and examination of his person, including an examination of blood in the manner authorized by law.

Generally, the validity of implied consent laws also may be based on so-called "constructive service of process." For instance, in Timm v. State (1961), 110 N.W. (2d) 359, the Nebraska Supreme Court contended:

> This "Implied consent" statute is based on reasoning similar to that which has sustained statutes providing for constructive service of process. Such constructive or substituted service of process statutes now are in force in most states. Since the early decision in the case of Pawloski v. Hess, 250 Mass. 22 144 N.E. 760, affirmed by the United States Supreme Court in 274 U. S. 352, 47 S. Ct. 632, ... courts generally have held that statutes providing for constructive service of process upon users of the highways by service upon the Secretary of State or the Highway Commissioner, or upon some other person designated in such statute, are valid...

Court Decisions -- Administration of Implied Consent. A number of court decisions have involved proceedings challenging administrative revocation of a motorist's license, i.e., the administrative action was challenged on the basis of the proper interpretation of respective statutes pertaining to implied consent, rather than the constitutional validity of the statutes. For example, in State of South Dakota v. Batterman (1961), 110 N.W. (2d) 139, a motorist's consent to chemical test for determination of blood alcohol content under the implied consent law is not invalidated by the fact that he has not been informed that refusal to submit will result in forfeiture of driver privileges; though his privileges may not be revoked unless he has been informed that refusal will result in such penalty.

Revocation of License Following Acquittal of Charge. A recent supreme court decision in North Dakota, Colling v. Hjelle (1963), 125 N.W. (2d) 453, invalidated application of the implied consent law following acquittal of the defendant under a charge of driving while under the influence. The court stated that a peace officer under the mistaken belief, however reasonable, that the offense for which the

arrest was made was committed in the officer's presence, when in fact the person arrested is not guilty of the offense, is not a lawful arrest. Section 39-20-01 of North Dakota Code provides "... Test or tests shall be administered at the direction of a law enforcement officer only after placing such person ... under arrest..." Thus, the court determined that since the arrest was unlawful, the officer could not request the defendant to submit to a chemical test.

In a similar case in New York, Combes v. Kelley (1956), 152 N.Y.S. (2d) 134, the court rejected the contention expressed in Colling v. Hjelle by concluding that the validity of the arrest would depend upon the outcome of the subsequent trial, and this could not be considered as a reasonable interpretation of the statute.

Type of Test to be Given. Generally, the courts have held that the validity of a license suspension may not be affected by the failure to provide the defendant a choice of the type of blood test to be given.

In Lee v. State (1961), 358 P. (2d) 765, the Kansas Supreme Court held:

> One of plaintiff's complaint is that under the statute (8-1001) he or any other driver should be given his choice of the four mentioned tests, and that he was not offered such right. It is further argued that the drawing of blood "shocks the conscience" and is inherently "brutal and offensive."
>
> ... It is common knowledge that few areas in the state have the technical equipment and facilities to administer all of the tests. 8-1003 ... provides that only a physician or qualified medical technician, acting at the request of the arresting officer, is permitted to withdraw any blood of a person submitting to a chemical test under the act... nothing brutal or offensive about that when done under the protective eye of a physician or qualified medical technician, but rather is admittedly a scientifically accurate method of detecting alcoholic content in the blood ...

On the other hand, a Utah court decision, Ringwood v. State of Utah (1959), 333 P. (2d) 943, the court held that in some circumstances it might be impractical or dangerous, if mandatory, to require a certain test, pointing out that persons afflicted with hemophilia, etc., should not be forced to submit to a blood test. Since the arresting officer confronted the individual with the choice of a blood test only, the court concluded that the officer was not acting in accordance with the statute. Section 41-6-44.10, Utah Code, states "... shall be deemed to have given his consent to a chemical test for his breath, blood or urine for the purpose..." According to the Nebraska Court in Timm v. State (1961), 110 N.W. (2d) 359, the addition of the words or tests allowed a different interpretation from the Ringwood decision.

Temporary Suspension. In the Application of Grimshaw (1957), 165 N.Y.S. (2d) 263, the New York Supreme Court stated:

> ... that it was the intent of the Legislature to require a hearing to be scheduled before a temporary suspension order could be issued and that the language, "pending the determination of any such hearing" presupposes the scheduling of such a hearing before the issuance of the order. If this were not true, a license could be temporarily suspended and time for a hearing could be extended for an indefinite period ...

Operation of a Motor Vehicle -- "Right" or "Privilege"

The Colorado Supreme Court in People v. Nothaus (1961), 147 Colo. 210, 363 P. 2d 180, established precedence that the operation of a motor vehicle is a "right." The majority opinion of the court stated:

> Every citizen has an inalienable right to make use of the public highways of the state; every citizen has full freedom to travel from place to place in the enjoyment of life and liberty. The limitations which may be placed upon this inherent right of the citizen must be based upon a proper exercise of the police power of the state in the protection of the public health, safety and welfare. Any unreasonable restraint upon the freedom of the individual to make use of the public highways cannot be sustained. Regulations imposed upon the right of the citizen to make use of the public highways must have a fair relationship to the protection of the public safety in order to be valid.
>
> The regulation and control of traffic upon the public highways is a matter which has a definite relationship to the public safety, and no one questions the authority of the General Assembly to establish reasonable standards of fitness and competence to drive a motor vehicle which a citizen must possess before he drives a car upon the public highway. When a citizen meets the standards thus defined in a proper exercise of the police power, he has a right to continue in the full enjoyment of that right until by due process of law it has been established that by reason of abuse of the right or other just cause it is reasonably necessary in the interest of public safety to deprive him of the right to drive a motor vehicle on the highways.

The Nothaus decision may be important in viewing the validity of court decisions in other states concerning implied consent, because many of these states regard driving as a "privilege." For instance, the Nebraska Supreme Court in supporting the validity of constructive service of process laws stated, in Timm v. State (1961), 110 N.W. (2d) 359:

> The use of the public highways is not an absolute right which everyone has, and of which a person cannot be deprived; it is a right or privilege which a person enjoys subject to the control of the state in the valid exercise of its police power. Therefore, in view of the state's power to regulate the use of its highways, statutes may be enacted which declare that the use of the public highways by any person shall be deemed the equivalent of an affirmative consent to a chemical test or tests of the user's blood, breath, saliva, or urine for determination of the alcoholic content of his blood, subject to the other provisions of the statute. The law does not compel the user to take such chemical tests. If he refuses to do so, however, it provides that he shall forfeit for a period of ...

The Kansas Supreme Court also declared that driving is a "privilege" (Lee v. State of Kansas, (1961) 358 P. 2d 765):

> It is an elementary rule of law that the right to operate a motor vehicle upon a public street or highway is not a natural or unrestrained right, but a "privilege" which is subject to reasonable regulation under the police power of the state in the interest of public safety and welfare ...

On the other hand, New York courts regard driving as a "right" and also have upheld the validity of implied consent legislation. In Ballou v. Kelley (1958), 176 N.Y.S. (2d) 1005, the court stated:

> ... although the possession of a license to drive is a vested property right (Moore v. MacDuff, 309 N.Y.S. 35, 127 N.E. 2d 741) and may not be taken away except by due process (Wignell v. Fletcher, 303 N.Y.S. 435, 103 N.E. 3d 728), the Legislature in exercising its power reasonably to regulate the use of highways may impose reasonable conditions before a license is issued and for the continued possession of the same ...

Implied Consent in Colorado

Despite the fact that implied consent legislation has been upheld in numerous states, some people believe that the Colorado Supreme Court would not uphold a similar law here. That belief is based on the court decision in the Nothaus case. However, in the case of Block v. People (1951), 156 Colo. 36.240 P. 2d 512 the court appears to have resolved the question relating to self-incrimination. In that case the court stated:

> Counsel for defendant cite no Colorado case where evidence other than testimonial has been barred because it might be incriminating. In Ingles v. People, 92 Colo. 518, 22 P. (2d) 1109, we held that compelling one who has pleaded not guilty by reason of insanity to undergo examination, both mental and physical, does not constitute compulsory self incrimination. So, in this

state, the distinction between the admission in evidence of a physical fact concerning the defendant in a criminal case, as distinguished from the matters to which a defendant can be relieved from testifying, already has begun to emerge. It would seem to be a proper distinction.

A study of the history of the development of such a constitutional provision as contained in our Colorado Constitution indicates that the original intent was to prevent a defendant from being forced to give testimonial evidence against himself, and did not contemplate the exclusion of evidence of physical facts relating to the defendant. 8 Wigmore on Evidence (3d ed.), p. 276, §2250. This line of demarcation is clearly set forth in Mr. Justice Holmes' opinion in Holt v. United States, 218 U. S. 245, 31 Sup. Ct. 2, 54 L. Ed. 1021, as follows: "Another objection is based upon an extravagant extension of the Fifth Amendment. A question arose as to whether a blouse belonged to the prisoner. A witness testified that the prisoner put it on and it fitted him. It is objected that he did this under the same duress that made his statements inadmissible, and that it should be excluded for the same reasons. But the prohibition of compelling a man in a criminal court to be witness against himself is a prohibition of the use of physical or moral compulsion to extort communications from him, not an exclusion of his body as evidence when it may be material. The objection in principle would forbid a jury to look at a prisoner and compare his features with a photograph in proof. Moreover, we need not consider how far a court would go in compelling a man to exhibit himself. For when he is exhibited, whether voluntarily or by order, and even if the order goes too far, the evidence, if material, is competent. Adams v. New York, 192 U. S. 585, 24 Supp. Ct. 372, 48 L. Ed. 575."

In the recent case of State v. Cram, 176 Ore. 577, 160 P. (2d) 283, 164 A.L.R. 952, involving a somewhat similar set of facts to those in the instant case, the author of the majority opinion, after an extended consideration of the various cases and after referring to Holt v. United States, supra, states:

"The defendant was not deprived of any of his constitutional rights by the admission of the testimony here in question. He was not compelled to testify against himself. Evidence of the result of the analysis of the blood sample was not his testimony but that of Dr. Beeman, distinct from anything the defendant may have said or done. The blood sample was obtained without the use of any process against him as a witness. He was not required to establish the authenticity, identity or origin of the blood; those facts were proved by other witnesses.

"If the evidence here under attack is inadmissible, it is difficult to understand under what theory fingerprints procured under compulsion, or evidence concerning them, is admissible. It is equally difficult to comprehend why the defendant is not denied his constitutional privilege against self-incrimination by being required to do the many acts hereinbefore enumerated."

The Block case would seem to place the Colorado Supreme Court in a position of supporting chemical tests as coming under the constitutional provisions of lawful "search and seizure," which could be interpreted as minimizing the constitutional question of self-incrimination in relation to implied consent legislation.

Examination of the Nothaus decision reveals the types of arguments that could be used in opposition to an implied consent law. For instance, in the Nothaus decision counsel for the defense pointed out the following:[11]

A deposit of security is required regardless of the question of guilt of a violation of a traffic law, and without regard to the question of whether there was any negligence on the part of the person who is required to deposit the security.

The deposit is required after the accident and not before it, and operates only to facilitate collection of damages by the party who may thereafter be adjudged entitled thereto. No protection is offered the public with relation to future occurrences.

The deposit is required only because of the happening of an accident.

The deposit of security is required without any inquiry whatever concerning the liability of the person required to make it, and must be made in such sum as in the judgment of the director of revenue shall satisfy any judgment for damages resulting from the accident, no standards are fixed for the exercise of his discretion, no evidence is taken, and no notice or hearing is afforded as to the amount or nature of the security to be required.

According to 13-7-7 the director of revenue is required to suspend the license of every operator and the registrations of every owner of an automobile "in any manner involved" in an accident unless there is a deposit of security referred to as "sufficient in the judgement of the director to satisfy any judgments for damages resulting from such accident as may be recovered against such operator or owner." This suspension is mandatory. It is not conditioned upon any report being made by the operator whose license is suspended. It is not condi-

11. People v. Nothaus (1961), 147 Colo. 210, 363 P. (2d) 180.

tioned upon a criminal trial and a finding of guilt. This suspension must be made within sixty days after the receipt of "a report" -- any report, a true one, a false one, an unsworn one, the report of a bystander or the hearsay report of any kind by any person.

Similarly, the majority opinion of the Supreme Court agreed with the defense counsel, concluding, in part, that:

> (7) The requirement of C.R.S. '53, 13-7-7 that the director of revenue, "* * * shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident * * *" unless such persons deposit a sum "sufficient in the judgment of the director * * *" to pay any damage which may be awarded, or otherwise show ability to indemnify the other party to the accident against financial loss, has nothing whatever to do with the protection of the public safety, health, morals or welfare. It is a device designated and intended to bring about the posting of security for the payment of a private obligation without the slightest indication that any legal obligation exists on the part of any person. The public gets no protection whatever from the deposit of such security.

The arguments posed in the Nothaus decision could be applied to implied consent legislation, i.e., a defendant could be found not guilty in the courts of driving while under the influence and still lose his license because of the operation of an implied consent law. Theoretically, the individual may never have driven while under the influence, yet be subject to license suspension for refusal to submit to a chemical test. Thus, the public health and safety in no way is protected by application of the law, and the "rights" of the individual may be taken away without judicial process. Justice Moore, in the majority opinion in People v. Nothaus declared:[12]

> The question of whether a constitutionally guaranteed property right can be denied for some justifiable reason, is essentially a judicial question, and under the doctrine of separation of powers of government it must remain a judicial question...

However, the aforementioned argument may not be valid when applied to implied consent on the grounds that as a condition for operation of a vehicle on the state highways the individual gives "consent" to submission to a chemical test if arrested for driving while under the influence. This condition may be similar to other restrictions imposed by the General Assembly concerning the operation of motor vehicles.

The following statement by Justice Moore seems to lend significant support for the legality of so-called implied consent legislation:

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12. Ibid.

> This is not the situation which we find in some states where the statutes require public liability insurance as a condition to be met before a driver's license will issue. Such statute protects the public. The statute before us is entirely different. In the matters to which we have particularly directed attention, C.R.S. '53, 13-7-7 is unconstitutional.

Extending this interpretation further, the public is protected because the motorist automatically gives consent to a chemical test as a condition for the operation of a motor vehicle.

Financial Responsibility

Colorado's Safety Responsibility Law (13-7-1 to 13-7-29, CRS 1953, as amended) provides for the suspension of the license and registration of financially irresponsible drivers involved in automotive accidents. The law may be considered as effective in encouraging most Colorado drivers to obtain liability insurance. For instance, in 1963, accident reports were filed on 60,873 motor vehicles operating in Colorado. Of this number, 51,806 vehicles carried liability insurance, or approximately 85 per cent of the total.[13] Although the great majority of Colorado motorists carry liability insurance, there remains a significant problem in regard to the 15 per cent of the motorists who may be classed as financially irresponsible.

Financial Responsibility in Other States

Generally, motor vehicle financial responsibility legislation in the United States may be classified into five categories:

1) security-type safety responsibility laws;
2) compulsory liability insurance;
3) unsatisfied judgment funds;
4) impoundment laws; and
5) uninsured motorists coverage.

Security-type safety responsibility laws have been adopted in 47 states, including Colorado. Basically, these laws provide that if a motorist is involved in an accident and a report is filed indicating death, injury, or property damage exceeding a statutory minimum, the enforcing agency may suspend the license of the driver who fails to deposit the security required by law. Of course, these provisions do not apply to insured motorists. In general, safety responsibility laws have been credited with increasing the percentage of insured motorists. For instance, prior to adoption of the security-type safety responsibility laws, only 25 to 30 per cent of all motorists were insured; national estimates at present indicate that over 80 per cent of all motorists are insured.[14]

Compulsory Liability Insurance. Three states have adopted compulsory liability insurance -- Massachusetts, New York, and North Carolina. Compulsory liability insurance is based on the concept of requiring a motorist to be financially liable before his vehicle is operated on the highways. The administering agency is not allowed to issue license plates for a vehicle until the motorist obtains liability insurance.

Impoundment laws simply increase the penalties existing under security-type safety responsibility acts. For instance, involvement in an accident is grounds for seizure of an uninsured vehicle. If claims and storage costs are not paid, the vehicle may be sold by the administering agency.

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13. Source: Motor Vehicle Division, State Department of Revenue.
14. The Financially Irresponsible Motorist in Kentucky, Research Report No. 16, 1963, Legislative Research Commission.

Unsatisfied judgment funds are state-operated funds designed to assist accident victims (without contributory negligence) in collecting on claims for damages or injuries inflicted by an uninsured motorist. Funds may be financed as follows: by an assessment against all motorists, by a comparatively large fee for motorists registering an uninsured vehicle, by a combination of the aforementioned, etc. States adopting unsatisfied judgment funds include: Maryland, New Jersey, and North Dakota.

Uninsured motorists coverage laws require all liability policies to contain a proviso protecting the insured motorists in accidents involving uninsured motorists. Some of the states requiring uninsured motorists coverage allow an option to the insured motorist to be covered or not -- California, Florida Louisiana, Georgia, Illinois, Nebraska, Rhode Island, and North Carolina. In addition, the states of South Carolina and Virginia provide a program of reimbursement to insured motorists to cover the expense of insurance against uninsured motorists. The states of New Hampshire, New York, South Carolina, and Virginia require liability policies to contain coverage for uninsured motorists.

Pros and Cons of Financial Responsibility Laws

Security-type safety responsibility laws encourage motorists to obtain liability insurance for their vehicles in order to avoid suspension of their driver licenses due to involvement in an accident. Also, the truly financially irresponsible motorist, who is involved in an accident, may lose his driving privileges, offering some social gain to the community. On the other hand, the insured motorist is not protected against the initial accident of financially irresponsible drivers.

Compulsory liability insurance forces motorists to buy insurance prior to registration of their motor vehicles. Thus, the number of uninsured motorists utilizing the highways is greatly reduced. The most serious disadvantage of compulsory insurance is the tendency toward extremely high rates. Other arguments against compulsory insurance include: compulsory insurance programs are cumbersome and expensive to administer; the higher rates mean, in effect, that the voluntarily insured motorists may pay the additional costs; and political pressures may influence a state's rate-making policy.

Unsatisfied judgment funds enable victims involved in accidents with uninsured motorists to receive compensation which they would not have received in the absence of the fund. The unsatisfied judgment funds may also protect victims of hit-and-run drivers as well as uninsured out-state motorists. In general, the unsatisfied judgment fund may overcome the objections of compulsory insurance. Financing of unsatisfied judgment funds appears to be the major disadvantage of the funds. For instance, if a fee is assessed against all motorists, the voluntarily insured motorist again is penalized. On the other hand, a substantial fee imposed on the uninsured motorist may cause him to believe that he is protected and insurance is not necessary. Also, a tax on the uninsured motorist may not raise enough revenue to satisfy claims. Other arguments opposed to the fund include the red tape in processing claims, inadequate financing of funds which may lead to compulsory insurance, and the high cost of general administration.

Impoundment laws are, of course, not a cure-all but another attempt to encourage motorists to carry insurance. The public may be impressed by impoundment of vehicles and resulting storage costs to a sufficient degree that most people will be motivated to obtain insurance. However, impoundment probably does not meet the needs of most accident victims. Storage costs on an impounded vehicle coupled with other liens may not be satisfied by sale of the vehicle, let alone the claim of the accident victim.

Uninsured motorists coverage protects the financially responsible motorists from losses at the hands of uninsured motorists and at reasonable cost and with a minimum of state intervention. Also, the motorist has a guarantee that would not be available in a compulsory program, namely, protection against hit-and-run drivers and against the uninsured motorist from out-of-state. A significant disadvantage to uninsured motorists coverage programs is that the financial burden of protecting accident victim claims rests with the insured motorist.

The aforementioned areas of legislation provide a brief summary of the attempts made in other states to deal with similar groups of financially irresponsible motorists. Of the five areas of financial responsibility legislation listed, three -- unsatisfied judgment funds, impoundment laws, and uninsured motorists coverage -- simply are extensions of laws similar to Colorado's Safety Responsibility Law. Briefly, these laws attempt to penalize the uninsured motorists as well as to finance the claims of accident victims of uninsured motorists.

Motor Scooter Licenses

Colorado is one of 16 states in which a teenager, under 16 years of age, may operate a motor scooter. The minimum age for the legal operation of motor scooters in three states (Alaska, Arkansas, and New Mexico) is age 13; states allowing 14-year-olds to operate motor scooters include COLORADO, Florida,[15] Louisiana, Oklahoma, South Carolina, Texas, and Wyoming; and the six states permitting motor scooter operation at age 15 are -- Hawaii, Michigan, Minnesota, Mississippi, Montana, and Virginia. Of the six states allowing operation of motor scooters at age 15, four states (Hawaii, Mississippi, Montana, and Virginia) issue a standard operator's license at age 15, enabling 15-year-olds to operate automobiles as well as motor scooters.

Motor Scooter and Bicycle Accidents in Colorado

The "Standard Summary of Motor Vehicle Accidents," published by the Department of Revenue indicates that the number of motor scooter accidents and the number of bicycle accidents are quite similar. Although the number of accidents is similar, the rate of accidents for motor scooters may be much higher because of a smaller number of motor scooters in relation to the total number of bicycles in Colorado.

The following figures list the relative number of motor scooter and bicycle accidents in Colorado during 1962 and 1963.

	All Accidents		Injury Accidents		Fatalities	
Year	Motor Scooter	Bicycle	Motor Scooter	Bicycle	Motor Scooter	Bicycle
1962	535	518	381	439	2	6
1963	499	506	351	424	3	6

Perhaps the aforementioned figures graphically demonstrate the high rate of exposure for occupants of two-wheel vehicles. For instance, of 499 motor scooter accidents in Colorado in 1963, 354 resulted in death or injury, or 70.94 per cent of the accidents. On the other hand, of the 55,171 motor vehicle accidents, 13,623 accidents involved death or injury, or 24.69 per cent.

At the July 20 meeting of the committee, Mr. William Berry, Executive Secretary of the American Motor Scooter Association, made the following statement to the committee:

> ...The Electronic Data Processing Division of the Department of Revenue was able to furnish me with the results of a special study on motor scooter accidents for 1959, 1960, 1961 and through October of 1962. As far as I know, this is the only accurate

15. In Florida, motor scooter operators under age 16 may not operate their vehicles after sundown.

information available concerning the number of accidents, fatalities and injuries occurring to 14 and 15 year old motor scooter operators. From January 1, 1959 through October of 1962, 14 and 15 year old motor scooter operators were involved in 973 accidents. In almost four years, there were 5 fatalities, about one-half of one per cent. Of the 973 accidents, 712 produced injury, or 73%. During this period of time, approximately 11,000 14 and 15 year olds were licensed to operate motor scooters...

A complete breakdown of figures presented by Mr. Berry at the July 20 meeting are included in Tables IX and X. If the accident totals for the period from January 1, 1961 through October, 1962 are compared to the number of licenses issued, the relative accident frequency may be clarified. For instance, in 1961 and 1962, 4,386 youngsters were examined for purposes of obtaining a motor scooter license. Based on Mr. Berry's figures, during the same period of time, 14 and 15-year-old operators were involved in 523 accidents. In other words, if the number of examinations given in the two-year period is indicative of the number of licensed operators 14 and 15 years of age, then about 11.9 per cent of the youngsters were involved in accidents. At the same time, 397 youngsters were injured, or an estimated 9.1 per cent. Note that these estimates may be low because the accident figures are through October of 1962 only. In summary, about one out of every eight 14 or 15-year-old motor scooter operators may be involved in an accident, while one out of every 11 may be injured.

Generally, data on motor scooter accidents has not been segregated for the past few years. National figures compiled in a report by the National Safety Council in 1959 also have not been revised since the original study was made.

Table IX

MOTOR SCOOTER ACCIDENTS INVOLVING
14 AND 15 YEAR-OLD-OPERATORS*

Year	No. of Examination	Fatal	Injury	Property Damage	Total	% Fatal	% Injury
1959		0	205	101	306	0	67
1960		1	110	33	144	.6	76
1961	2,130	3	160	47	210	1.4	76
1962**	2,256	1	237	75	313	.3	75
TOTAL		5	712	256	973	.5	73

* Source: Statement by Mr. William Berry to Committee on Driver Licensing, July 20, 1964

** January through October, 1962.

Table X

MOTOR SCOOTER ACCIDENTS INVOLVING
16-YEAR-OLD AND OLDER OPERATORS*

Year	Fatal	Injury	Property Damage	Total	% Fatal	% Injury
1959	2	111	66	179	1.1	62
1960	5	150	77	232	2.1	64
1961	1	97	41	139	.7	70
1962**	0	110	41	151	0	72
TOTAL	8	468	252	701	1.1	66

* Source: Statement by Mr. William Berry to Committee on Driver Licensing, July 20, 1964.
** January through October, 1962.

High School Driver Education

According to national figures prepared for school year 1962-63, by the Insurance Institute for Highway Safety, approximately 68 per cent of qualifying secondary schools offer programs of driver education. Also, approximately 52 per cent of eligible students participated in driver education courses in school year 1962-63. At the same time, only 29 per cent of eligible Colorado high school students attended driver education courses, and only 51 per cent of the high schools included driver education as part of the curriculum. Table XI provides a state-by-state comparison of the relative number of secondary schools providing programs of driver education as well as a summary of student participation in schools offering driver education programs.

Perhaps the availability of state-aid may have some influence on the development of driver education programs. For instance, for school year 1962-63, in states providing assistance for high school driver education programs, 83.5 per cent of eligible schools offered driver education courses, compared to 55.7 per cent for schools in states not providing driver education monies. Similarly, student participation in states granting state-aid also was greater than for states not offering monies for driver education -- 66.1 per cent and 37.4 per cent of eligible students, respectively.

Cost of Driver Education Programs in Colorado

Data on per pupil cost of high school driver education programs in Colorado is contained in the tabulations below. It should be recognized that comparison of costs are somewhat meaningless unless all other factors are considered. Examples of some of these factors are as follows: (1) the differences in salary schedules; (2) the philosophy of the school as it relates to teacher-pupil ratio; (3) the amounts and kinds of equipment used as teacher aids; and (4) consistency of establishing average costs.

DRIVER EDUCATION -- PER PUPIL COST[16]

School	Cost
Hugo	$71.00
Snyder	67.34
Rifle	65.27
Trinidad	63.00
Longmont	59.30
Berthoud	59.00
Keenesburg	55.50
North Denver	55.00
Thomas Jefferson, Denver	55.00
Center	53.63

16. Source: Minutes of Committee on Driver Licensing, July 20, 1964.

School	Cost
Salida	$53.50
Fort Collins	48.60
Aurora	48.05
Durango	47.19
Dolores	35.35
Lamar	29.87

COLORADO DRIVER EDUCATION DATA[17]

1.	No. of schools which include grade 10	239
2.	Total number of students in grade 10	30,403
3.	No. of students participating in complete driver education program	8,396
4.	Average cost per student	$50.00
5.	Present cost to local districts based upon average per pupil cost 8,396 @$50.00	$419,800.00
6.	Total cost of complete program anticipating 100% student participation	$1,520,150.00
7.	If state-aid at $25 per student were available to local districts and anticipating a 50% increase into driver education classes, the amount of state-aid, less supervision and clerical cost, would amount to	$315,000.00
8.	Supervisory and clerical	$16,000.00
9.	If the driving age is changed from 16 to 18 years of age unless a student completed an approved driver education course, it is conceivable that 90% of the total number of sophomores might well enroll in the driver education program	

17. Ibid.

Table XI

DRIVER EDUCATION -- SECONDARY SCHOOLS*

State **	SCHOOL PARTICIPATION					STUDENT PARTICIPATION				
	Number of Potential Schools	Schools *** Offering Qualifying "30 & 6" Courses	Per Cent	Total Schools Offering Driver Education Courses	Per Cent	No. of Annual Eligible Students	Qualifying*** "30 & 6" Courses	Per Cent	Total Driver Education Enrollment	Per Cent
Ala.	N/R					N/R				
Alaska	26	2	8	4	15	2,632	27	1	61	2
Ariz.	84	65	77	92	100	21,935	7,222	33	17,620	80
Ark.	478	40	8	42	9	30,576	1,706	6	1,791	6
Calif.	625	439	70	491	79	259,115	123,075	47	162,904	63
COLORADO	197	84	43	101	51	25,433	5,113	20	7,296	29
Conn.	127	86	68	102	80	28,654	9,155	32	12,475	44
Del.	49	38	78	38	78	7,515	3,704	49	3,704	49
D.C.	16	16	100	16	100	5,214	1,687	32	1,687	32
Fla.	473	285	60	298	63	82,792	57,038	69	57,448	69
Ga.	558	135	24	149	27	62,013	7,323	12	8,545	14
Hawaii	31	6	19	6	19	10,551	168	2	168	2
Ida.	158	143	91	143	91	14,231	9,181	65	9,181	65
Ill.	675	613	91	686	100	144,840	81,277	56	129,742	90
Ind.	335	447	100	483	100	82,142	42,954	52	47,091	57
Iowa	469	466	99	466	99	46,309	29,887	65	29,887	65
Kans.	552	421	76	425	77	37,576	24,876	66	25,096	67
Ky.	377	80	21	80	21	48,547	3,701	8	3,701	8
La.	586	204	35	327	56	58,275	16,202	28	27,117	47
Me.	157	108	69	108	69	12,072	8,537	71	8,537	71
Md.	156	120	77	141	90	50,578	12,046	24	16,086	32
Mass.	220	156	71	262	100	68,096	16,949	25	28,023	41
Mich.	610	594	97	594	97	131,733	124,464	94	124,464	94
Minn.	488	416	85	432	89	52,314	32,124	61	32,669	62
Miss.	441	99	22	119	27	34,049	5,111	15	7,448	22
Mo.	567	275	49	320	56	64,592	21,546	33	23,959	37

Table XI
(continued)

State**	SCHOOL PARTICIPATION: Number of Potential Schools	Schools*** Offering Qualifying "30 & 6" Courses	Per Cent	Total Schools Offering Driver Education Courses	Per Cent	STUDENT PARTICIPATION: No. of Annual Eligible Students	Qualifying*** "30 & 6" Courses	Per Cent	Total Driver Education Enrollment	Per Cent
Mont.	191	32	17	42	22	13,085	1,449	11	1,776	14
Nebr.	408	161	39	188	46	23,465	9,254	39	11,018	47
Nev.	37	14	38	25	68	5,866	1,228	21	1,700	29
N.H.	99	44	44	48	48	9,165	2,142	23	2,246	25
N.J.	251	193	77	251	100	74,233	27,771	37	72,841	98
N.M.	140	85	61	91	65	20,088	8,048	40	8,644	43
N.Y.	845	771	91	797	94	218,657	74,925	34	77,734	35
N.C.	758	747	99	747	99	89,661	55,706	62	55,706	62
N.D.	304	73	24	175	58	11,281	2,651	23	7,934	70
Ohio	869	634	73	654	75	159,532	47,936	30	57,663	36
Okla.	554	286	52	286	52	39,262	17,628	45	17,628	45
Ore.	217	105	48	141	65	29,701	7,494	25	14,237	48
Pa.	681	575	84	575	84	139,893	54,625	39	86,150	61
R.I.	38	0	0	49	100	11,372	0	0	14,747	100
S.C.	417	120	29	166	40	49,602	4,201	8	9,153	18
S.D.	243	86	35	99	41	12,119	4,837	40	5,692	47
Tenn.	464	55	12	70	15	54,491	3,569	7	5,557	10
Texas	1,413	608	43	640	45	174,867	42,245	24	66,615	38
Utah	80	79	99	96	100	19,592	18,083	92	18,562	95
Vt.	83	30	36	34	41	5,890	1,576	27	1,760	30
Va.	429	158	37	401	93	71,847	11,431	16	56,051	78
Wash.	201	101	50	145	72	55,587	8,929	16	15,158	27
W. Va.	316	112	35	114	36	38,119	5,072	13	5,722	15
Wisc.	426	323	76	366	86	66,226	30,235	46	34,197	52
Wyo.	77	26	34	27	35	6,514	1,371	21	1,527	23
Totals	17,996	10,756	60	12,152	68	2,781,899	1,087,479	39	1,436,718	52

*Source: Insurance Institute for Highway Safety.
**Includes District of Columbia.
***Includes 30 hours of classroom instruction and six hours practice driving.

State-aid -- Cost Estimates for Colorado

If the state of Colorado embarked on a program of state-aid to local school districts for driver education programs, the total cost to the state would depend on two factors: 1) the level of state participation; and 2) the number of students in the program. Assuming a proposed driver education program on a state-wide basis would attract 100 per cent of eligible high school students, the following figures reflect the cost estimates of a program of state-aid for driver training for various levels of state contributions.

Level of State Participation	Estimated Maximum State-Aid
$10.00 per pupil	$ 304,000
15.00 " "	456,000
20.00 " "	608,000
25.00 " "	760,000
30.00 " "	912,000
35.00 " "	1,064,000
40.00 " "	1,216,000

In all probability, 100 per cent participation of 10th grade students in a program of driver education only would be applicable in the event a compulsory or semi-compulsory driver training program were adopted by the General Assembly, i.e,, if the minimum age for operation of a motor vehicle were raised to age 18, unless a youngster completed a driver education course, the demand for driver education would be universal throughout the state. On the other hand, if driver education is to remain an optional program for local school districts and state-aid is to be used for purposes of encouraging driver training, student participation may not exceed two-thirds of eligible enrollment. For example, in the 23 states adopting programs of state-aid, about 65 per cent of eligible students are participating in driver training programs.

Table XII contains the estimated cost to Colorado for a proposed state-assisted program of driver education, based on 65 per cent of the students taking part in the program. With this in mind, if the state contributes $20 per pupil, the estimated cost to the state would amount to $395,000, to the school districts $592,800, and for the total program $988,000.

Table XII

ESTIMATED COST OF STATE-AID FOR DRIVER EDUCATION IN COLORADO*

Amount of State-aid Per Pupil	Est. Cost To State	Est. Cost to School Districts	Estimated Cost of Program
$10.00 per pupil	$197,600	$790,400	$988,000
15.00 " "	296,400	691,600	988,000
20.00 " "	395,200	592,800	988,000
25.00 " "	494,000	494,000	988,000
30.00 " "	592,800	395,200	988,000
35.00 " "	691,600	296,400	988,000
40.00 " "	790,400	197,600	988,000

* Based on 65 per cent of eligible students participating in program.

Financing State Assistance for Driver Education

Twenty-three states have adopted legislation providing for programs of state-aid for high school driver education programs (See Table XIII).

Six methods of financing driver training programs are employed by these states in providing assistance to secondary schools for driver education:

1) additional fee on driver licenses (nine states -- Florida, Idaho, Illinois, Kansas, Michigan, Nebraska, Oregon, Virginia, and Wisconsin);

2) general revenues (five states -- Connecticut, Delaware, Louisiana, Maine, Rhode Island);

3) penalty assessments -- fines for motor vehicle violations, etc. (four states -- California, Mississippi, Oklahoma, and Washington);

4) fee on learners' permits (two states -- Maryland and Pennsylvania);

5) fee on motor vehicle registrations (two states -- North Carolina and Utah); and

6) the state of New Hampshire utilizes the proceeds from a $5 service fee for initialed number plates. Table XIII lists the source of funds for state-aid programs and the average amount allocated per pupil in the 1962-63 school year.

As may be noted, with the exception of states utilizing general revenue monies, funds earmarked for driver education programs are obtained from sources related to the operation of motor vehicles. Consequently, the adult driver is supporting driver education programs to a large extent. On the other hand, two states -- Maryland and Pennsylvania -- provide that driver training revenues must be collected from the young drivers through a fee on learners' permits.

Applicability of Various State Revenue Sources to Financing Driver Education in Colorado

A number of problems exist in attempting to utilize the methods adopted in other states for financing driver education in Colorado. For instance, the most popular method of financing state-aid to driver education is through additional fees on motor vehicle driver licenses. Article X, Section 18, Colorado Constitution, may prohibit the adoption of similar plans for Colorado:

> ... the proceeds from the imposition of any license, registration, fee or <u>other charge</u> with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other liquid motor fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and supervision of the public highways of this state. (emphasis added)

Table XIII

SOURCE OF STATE FUNDS FOR SUPPORT OF DRIVER EDUCATION PROGRAMS IN SECONDARY SCHOOLS*

Average Per Pupil Reimbursement -- 1962-63

	General Fund $	Penalty Assessment $	Fee on License $	Fee on Learner's Permit $	Fee -- Motor Vehicle Reg. $	Misc. $
California		42.51				
Connecticut	10.00					
Delaware	41.00					
Florida			N.A.			
Idaho			42.79			
Illinois			40.00			
Kansas			27.96			
Louisiana	N.A.					
Maine	10.00					
Maryland				54.00*		
Michigan			25.00			
Mississippi		-0-				
Nebraska			-0-			
New Hampshire						N.A.
North Carolina					N.A.	
Oklahoma		-0-				
Oregon			29.90			
Pennsylvania				15.00		
Rhode Island	N.A.					
Utah					27.19	
Virginia			-0-			
Washington		-0-				
Wisconsin			25.00			

* Source: 1964 Report of American Automobile Association
N.A. -- Not available

Briefly, the Colorado Constitution restricts the use of monies collected from motor vehicle licenses, permits, and registration fees to four purposes: 1) construction; 2) maintenance; 3) supervision of highways; and 4) administration.

Fee on Driver Licenses and Registrations. At first glance, the constitution appears to prevent the earmarking of any special fees related to motor vehicle or driver license assessment for the purpose of driver training; however, this conclusion may not be valid. The essence of driver training is making the highways safe for travel and may be as important to the operation of vehicles on the highways as the engineering and design of safe highways or the administration of a driver license program to prevent persons incapable of operating a vehicle safely to utilize the highways. Driver training, or a program of safe driving, simply may be a fundamental condition to proper operation of a motor vehicle. Therefore, the terms "supervision of highways" and "administration of license and registration laws" as referred to in the constitution may, in essence, embrace the concept of highway safety training.

Precedence for an expanded highway safety program, utilizing monies from the highway user fund, already may be an accepted state program, i.e., the General Assembly appropriates highway user tax monies for support of the Highway Safety Council's and the State Patrol's activities in safe driver campaigns.

Perhaps a proposed program of highway safety, financed through the resources of the highway user tax fund, could be administered by the Department of Revenue, the State Patrol, or the Highway Safety Council and not be in contradiction of Article X, Section 18.

Motor Vehicle Fines and Penalties. Another possible source of revenue for an expanded program of driver education includes monies from motor vehicle fines and penalties collected pursuant to Section 13-2-16, CRS 1953, as amended. Fifty per cent of all motor vehicle fines collected by magistrates, judges, clerks of courts of record, and justices of the peace, coupled with penalty assessments collected by the State Patrol are earmarked for the highway user fund. The remaining fifty per cent of fines and penalties are deposited to county general funds.

Mr. Frank Mansheim, assistant chief of the Motor Vehicle Division, reports that the state's share from fines collected in 1963 from justices of the peace, etc., amounted to $547,600; also, the state retained $351,400 in penalty assessments from the State Patrol. In total, the state's share for fines and penalty assessments amounted to over $899,000. On a continuing basis, Mr. Mansheim reports that a growth factor of between five and ten per cent per year may be estimated for motor vehicle fines and penalty assessments.

Of course, a significant advantage to utilizing fines and penalty assessments for the purpose of financing a program of driver education is the elimination of constitutional questions concerning a redistribution of highway user monies.

Adequacy of Fines and Penalties to Support Driver Education. If the state adopted a program of driver education and allocated $25 per pupil as the total estimated state share, the approximate program cost (based on 100 per cent student participation) would amount to $760,000 and could be financed from fines and penalty assessments. A voluntary program in which student participation would not exceed about 65 per cent of enrollment in the 10th grade of the public schools also could be financed by a program of state-aid at a level of about $40 per pupil.

Replenishment of Highway User Funds. If a proposed program of driver education is to be financed through monies presently earmarked for the highway user tax fund, perhaps replenishment of highway user funds currently utilized for other programs may be needed. Additional monies could be raised for current highway user tax fund purposes through increased license or registration fees.

In 1963, approximately 440,000 motor vehicle driver licenses were issued in Colorado. With the exception of motor scooter and minor licenses, operators' licenses are issued every three years. The number of driver licenses issued in the two preceding years amounted to 381,572 (1961) and 339,431 (1962). The three-year-average of number of licenses issued exceeds 387,000. On the basis of licenses issued, the amount of money that would be collected by an additional fee of one dollar per license probably would not be sufficient to cover the cost of a driver education program, that is, if the total cost of the proposed state-aid program is estimated at well over $500,000. In other words, a program of state-aid involving $25 per pupil and 100 per cent attendance would cost about $760,000, while an additional fee on driver licenses would average less than $400,000 per year. Of course, if licenses were issued annually, the number of licenses issued probably would exceed one million, providing a ready source of funds, based on present fees.

License plates for all motor vehicles are issued annually in Colorado. Over 1,169,000 license plates were issued for motor vehicles in Colorado in 1963. Section 13-5-23, 1960 Perm. Supp., could be amended to require an additional fee on all motorcycles, motor vehicles, and trucks to provide an additional fee of seventy-five cents which would be adequate to meet the cost of a driver education program involving about $760,000 in state-aid.

Effectiveness of Driver Education

In 1963, the Secretary of the State of Illinois in cooperation with the Highway Traffic Safety Center of the University of Illinois conducted a detailed analysis of violation and accident records of teenagers 16 to 20 years of age. Briefly, this study may pose some of the difficult problems encountered in evaluating data related to measuring the effectiveness of high school driver education programs.

Table XIV summarizes the findings of the Illinois study as it relates to the collision or accident records of Illinois teenagers, comparing high school driver education graduates with teenagers not participating in high school driver training programs. Briefly, although the driver education graduates appear to have a slightly better record, the differences may not be significant. For instance, in the 18-year-

old category, the accident rate per 1,000 drivers is higher for both male and female drivers participating in driver education programs than 18-year-olds not participating in driver education. Similarly, 19-year-old male driver education graduates have a greater collision rate -- driver education graduates collision rate per 1,000 drivers is 184, opposed to 174 for those without training.

Table XIV

ILLINOIS STUDY OF TEEN-AGE ACCIDENT RECORDS
HIGH SCHOOL DRIVER EDUCATION COMPARED TO NON-DRIVER EDUCATION

	Driver Education Graduates				No High School Driver Training			
	Collision Rate Per 1,000 Drivers				Collision Rate Per 1,000 Drivers			
Age	Both Sexes	Male	Female	No. of Drivers	Both Sexes	Male	Female	No. of Drivers
16	7	10	4	58,284	11	14	6	30,426
17	33	47	18	38,837	40	52	22	55,405
18	76	110	42	34,665	77	102	37	60,964
19	129	184	61	30,460	129	174	57	83,252
20	137	218	77	14,586	178	250	73	109,897

Doubt may be cast on the validity of reports on the value of driver education which do not provide information as to the conditions under which the test and control groups are operating. For instance, in the Illinois study, all drivers' records were utilized, raising the following questions: Were there geographical differences between the two test groups -- rural or suburban? Were psychological factors reflecting attitudes on driver education present? And, were other factors including the percentage of school dropouts reflecting variations in exposure rates present to the degree that the findings may not be valid?

At the July 20 meeting of the Committee, Dr. John Conger, Colorado University Medical School, outlined tentative findings concerning a study of 4,500 high school students in the Denver area. A sampling of 513 students of the 4,500 studied reveals the following rough estimates for accident rates, economic status, exposure, and intelligence of the three groups -- Group I (students voluntarily participating in driver education); Group II (students wanting to participate, but not able to); Group III (students who did not wish to participate and did not participate).

Mean Accident Rate

	Group I	Group II	Group III
All Acc.	.49	.62	.39
Acc. at Fault	.22	.32	.29
Violations	1.38	2.33	2.38

Economic Status

	Group I	Group II	Group III
Per Cent Deprived	18	34	19
Per Cent Non-deprived	82	66	81

Exposure

	Group I	Group II	Group III
Average Miles Driven	4,870	6,350	6,420

Number of Students

	Group I	Group II	Group III
Above Average Intelligence	36	25	33
Average Intelligence	52	57	59
Below Average Intelligence	12	18	8

Generally, the aforementioned estimates indicate that teenagers participating in driver education courses achieved a better record but drove fewer miles. Also, the youngsters in Group I were less economically deprived. The differences in driving records appear to fade out when controlled for amount of exposure.